

OBJ/66/5.2



Objection Number: 66-McKay Securities Plc

**Appendices to Proof of Evidence of Neil Warner
MRTPI**

Document Number OBJ/66/5.2

September 2010

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Appendix 1

Application 08/00704/F



NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

Name and Address of Agent/Applicant :
BRRB Now Dept Of Transport, Bicester
Nominees (& II) Ltd
c/o Mr Roger Finch Lyons+Sleeman+Hoare
Nero Brewery
Cricket Green
Hartley Wintney
Hook, Hampshire
RG27 8QA

Date Registered 13th March 2008

Proposal : Park and ride for passengers of Bicester Town Railway Station and as overspill car park for visitors to Bicester Village

Location : Former Railway Coal Yard Station Approach Bicester Oxfordshire

Parish(es) : Bicester

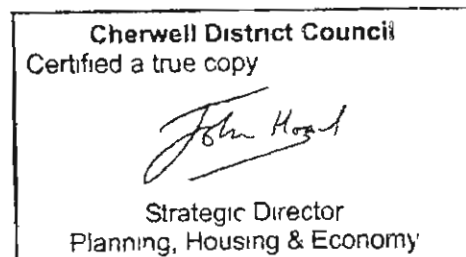
UPRN : 010011910815

PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The **reason** for the imposition of each of the conditions is also set out in the schedule

Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxon
OX15 4AA



Date of Decision : 21st July 2008

Strategic Director – Planning Housing & Economy

SCHEDULE OF 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 The development hereby permitted shall be carried out in strict accordance with the following list of approved plans 02/066/P/-401 Rev E, 02/066/P-402 Rev B and 02/066/P-403 Rev B received 13th March 2008

Reason - To ensure that the development is carried out in a satisfactory manner

- 3 That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include -

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies G2 and EN1 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan

- 4 That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner, and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies G2 and EN1 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan

- 5 That full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure, in respect of those dwellings which it is intended shall be screened, shall be erected prior to the first occupation of those dwellings

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy G2 of the Oxfordshire Structure Plan 2016 and Policies C28 and C30 of the adopted Cherwell Local Plan

- 6 Details of external lighting at the proposed car park(s) are to be submitted to and approved by the local planning authority before development commences. The development shall be carried out and retained thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason - In the interests of visual amenity and highway safety and to comply with Government advice in PPG19 Outdoor Advertisement Control

- 7 Details of the enforcement and control of vehicles using the park and ride car park during week days shall be submitted to and approved by the local planning authority before the car park(s) are first brought into use.

Reason - To ensure that the use of the park and ride car park is effectively monitored and controlled and to ensure that only bona fide rail users are parking vehicles within the car park during weekdays in accordance with policy T2 and T6 of the Oxfordshire Structure Plan 2016 and policy S17 of the Non-Statutory Cherwell Local Plan 2011

- 8 Prior to the commencement of development a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and retained in accordance with the approved details.

Reason - To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to prevent the pollution of the water environment.

- 9 Prior to the commencement of the development (or such date or stage in development as may be agreed in writing with the local planning authority) the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted and approved in writing by the local planning authority. The development shall be carried out and retained in accordance with the approved details.

1 A preliminary risk assessment which has identified

All previous uses of the site,

Potential contaminants associated with those uses,

A conceptual model of the site indicating sources, pathways, receptors potentially unacceptable risks arising from contamination at the site,

2 A site investigation scheme based on (1) to provide information for a detailed assessment of the risks to all receptors that may be affected, including those off site.

3 The site investigation results and the detailed risk assessment (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.

4 A verification plan providing details of the data that will be collected in order to demonstrate that the works set out 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 consent of the local planning authority.

Reason - To ensure that the site does not pose a risk to controlled waters.

- 10 The developer shall draw to the attention of the Local Planning Authority (LPA) the presence of any previously unsuspected contamination encountered during the development

In the event of contamination to land and/or water being encountered, no development shall continue until a programme of investigation and/or remedial work to include methods of monitoring and certification of such work having been undertaken has been submitted to and approved in writing by the Local Planning Authority

None of the development shall be occupied until the approved remedial works, monitoring and certification of the works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority

Reason - To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy ENV12 of the adopted Cherwell Local Plan

- 11 The proposed bus link at the northern end of the site shall be constructed to adoptable road standards

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13 Transport and Policy T8 of the Oxfordshire Structure Plan 2016

PLANNING NOTES

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Contact the Environment Agency National Customer Contact Centre on 0870 8500 250 for further details

All waste removed should be taken to a suitably licensed facility

No development should take place until an investigation has been submitted to assess the impact that any SUDS will have on the water quality. The investigation should determine the type of SUDS proposed and the mitigation needed. The construction of the SUDS should be carried out in accordance with details submitted to and approved by the Environment Agency

Any SUDS from car or lorry parking areas would need to incorporate suitable measures for the protection of water quality. This is likely to include measures to mitigate the discharge of hydrocarbons to ground or surface water. Details of treatment techniques are outlined in CINA Report C609. The Environment Agency would wish to be consulted on any protection measures

Surface water from parking or yard areas should pass through a suitable type of oil/grit separator, the design of which shall be to the satisfaction of the Environment Agency

The Environment Agency normally require a package treatment plant if discharging direct to a watercourse

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 (with the controls exercisable through conditions) will not cause harm to the vitality and viability of Bicester or other existing centres. As such the proposal is in accordance with policies T1, T2, T3, T5, T6, T8, EN9, G1 and G2 of the Oxfordshire Structure Plan 2016, policy EMP1 and C32 of the adopted Cherwell Local Plan and policy S17, TR3, TR6, TR7 and TR28 of the Non-Statutory Cherwell Local Plan 2011. 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.



NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

NOTES TO THE APPLICANT

TIME LIMITS (FOR APPLICATIONS REGISTERED BEFORE 24 AUGUST 2005)

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply.

Where planning permission is given in outline subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun either within 5 years from the date of the grant of the outline permission or within 2 years from the final approval of all the matters reserved, whichever is the later.

Where the planning permission is complete and is not in outline, the development must be begun not later than the expiration of 5 years from the date on which permission was granted.

TIME LIMITS (FOR APPLICATIONS REGISTERED ON OR AFTER 24 AUGUST 2005)

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply.

Where planning permission is given in outline subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Where the planning permission is complete and is not in outline, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters

- The need in appropriate cases to obtain approval under the Building Regulations **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before starting work on site.**
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 01295 221597, fax 01295 253153 or E-mail at building_control@cherwell-dc.gov.uk
- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest from the Local Planning Authority
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE
- It is the responsibility of the applicant to ascertain whether his/her development affects any public right of way, highway or listed building

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to grant permission or approval subject to conditions, you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990

If you wish to appeal then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel (0117) 372 8000.** The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991

Planning Committee

17 July 2008

PREVIEW : PART II - Approvals

08/00704/F

13 03 08

Bicester - Former Railway Coal Yard Station Approach Bicester
Park and ride for passengers of Bicester Town Railway Station and as overspill car park for visitors to Bicester Village.
For BRRB Now Dept Of Transport, Bicester Nominees (& II) Ltd c/o Mr Roger FinchLyons+Sleeman+Hoare Nero Brewery Cncket Green Hartley Wintney

RECOMMENDATION

Approval, subject to

- 1 1 4A - Full Duration Limit (3 years) (RC2)
- 2 The development hereby permitted shall be carried out in strict accordance with the following list of approved plans 02/066/P/-401 Rev E, 02/066/P-402 Rev B and 02/066/P-403 Rev B received 13th March 2008 Reason - To ensure that the development is carried out in a satisfactory manner
- 3 3 0 - Submit Landscaping Scheme (RC10)
- 4 3 1 - Impl Landsc Sch and Reqs (RC10)
- 5 3 7A - Subm Bdy Encl Dets-2 or more Dwgs (RC12)
- 6 Details of external lighting at the proposed car park(s) are to be submitted to and approved by the local planning authority before development commences The development shall be carried out and retained thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority Reason - In the interests of visual amenity and highway safety and to comply with Government advice in PPG19 Outdoor Advertisement Control
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- 9 Prior to the commencement of the development (or such date or stage in development as may be agreed in writing with the local planning authority) the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted and approved in writing by the local planning authority The development shall be carried out and retained in accordance with the approved details 1 A preliminary risk assessment which has identified All previous uses of the site, Potential contaminants associated with those uses, A conceptual model of the site indicating sources, pathways, receptors potentially unacceptable risks arising from contamination at the site, 2 A site investigation scheme based on (1) to provide information for a detailed assessment of the risks to all

receptors that may be affected, including those off site 3 The site investigation results and the detailed risk assessment (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 4 A verification plan providing details of the data that will be collected in order to demonstrate that the works set out 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 consent of the local planning authority Reason - To ensure that the site does not pose a risk to controlled waters

10 8 14 - Land contamination unsuspected (RC81)

Planning Note(s)

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Surface water from parking or yard areas should pass through a suitable type of oil/grit separator, the design of which shall be to the satisfaction of the Environment Agency

The Environment Agency normally require a package treatment plant if discharging direct to a watercourse

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CONSULTATIONS/REPRESENTATIONS

Bicester Town Council – Roads should be of an adoptable standard at handover

OCC Highways - We refer to the consultation response from Oxfordshire

County Council as highway authority in connection with the above planning application

We are pleased to note that the highway authority has No Objection to the application and would like to comment on the issues raised as follows

Our client is agreeable to a vehicle counter being placed at the access to the park and ride car park from Station Approach. However, it should be noted that the car counts from this location can only be added to the Bicester Village counts on those days the car park is available to Bicester Village visitors, i.e. at weekends and on bank holidays

The highway authority refers several times to the provision of cycle links. The authority considers that the cycle link indicated on drawing 02/066/P401 should be constructed by the applicant as part of the works, that the applicant should be required to provide the County Council's proposed cycle link between the cycle link shown on drawing 02/066/P401 and the cycle link along the existing access road and, that a condition be imposed for the construction of the last element of the cycle link between the Tesco/Bicester Village access roundabout and Oxford Road

The local planning authority will be aware from the Section 106 agreement tied to planning permission 05/01213/F that cycle link matters now fall to be dealt with by Oxfordshire County Council. The Section 106 includes a cycling contribution of £100,000 and grants rights to the County Council for constructing and maintaining the cycle and pedestrian links. As such, these matters fall outside the scope of the determination of application 08/00704/F and therefore should not be the subject of any planning conditions. Also in this regard, it should be noted that while the land between the Tesco/Bicester Village access roundabout and Oxford Road falls within the applicant's ownership, there is no space outside the carriageway to construct a full cycle link

Our client agrees that cyclists will be able to gain access around the proposed bus gate

Our client agrees that it is essential that the bus gate and the retractable barriers are efficiently maintained and kept operational

Our client agrees to the provision of physical measures to prevent overnight parking in the park and ride car park

A condition of the sale of the current application site imposed by the British Rail Residuary Body is that the applicant, Bicester Nominees and Bicester II Nominees Limited, shall provide (subject to planning permission) a 220 spaces park and ride car park for users of Bicester Town Railway Station from Mondays to Fridays. The currently available 50 spaces required by the Section 106 agreement tied to 05/01213/F are to form part of the new park and ride car park

Lastly, we note that the highway authority states that any permission should be conditional on the Bicester Village taxi bus service being extended from Bicester North Station to Bicester Town Station. We have considered this, but do not see any benefit in extending the taxi bus route, which is operating at full capacity at present, as there would be little, if any, demand for it by users of Bicester Town Railway Station. Both Bicester Village and the town centre are within a short walk from Bicester Town Station and there is a sign posted footpath linking the station and the Village. Also in this regard, the application proposal to deliver the final link to establish the 'Green Modes Route' from areas beyond Bicester Village, through the Village and onto the town centre will allow the public bus operators to provide improved services, thus effectively duplicating the highway

authority's suggested route extension

Network Rail – No objections in principle to the development. However, if the applicant has not already done so, they should contact Network Rail to discuss operating constraints/issues, especially in relation to access over Station Approach (owned by NR) and interface with the station

Oxfordshire County Council (as Strategic Planning Authority) comments that, there is no need for a consultation with this Council as Structure Plan Authority on this application under the terms of the direction "

The Environment Agency – We are able to withdraw our objection to the proposed development subject to the following conditions. However, amended plans/documents should be submitted via the Local Planning Authority (LPA) so they meet with their approval before being passed on to us for consultation

Head of Building Control and Engineering Services – The southern most corner of the site may be in a flood plain and therefore a flood risk assessment will be required. That apart, the main technical implications of the site are clearly highway related (refer to OCC)'

REPRESENTATIONS

A series of letters have been received commenting on the loss of a local employment site

HDC & MD'S ASSESSMENT

APPLICATION SITE

The site lies adjacent to Bicester Village Retail Park ('the Village') and forms a roughly triangular parcel of land approximately 1ha in area. The site is currently occupied by a number of small businesses within units erected at the site. To the north of the site lies Bicester Town Station, approximately 150m from the site. To the east is a recently developed decked car park allowed as a result of the 3rd phase development at Bicester Village. The site effectively lies between the Bicester Town/Oxford railway line and the recently constructed decked car park for the retail park

PROPOSAL

The proposal seeks to create a car park to serve as a park and ride facility for Bicester Town rail station and a further overspill car park to serve the Village. The park and ride car park proposes 220 spaces with a further 196 spaces for staff and visitors to the Village.

Access to the park and ride car park would be via Station Approach with a moveable barrier between the two car parks so that visitors to the Village can only access the overspill parking area during the week. A ramped access will be created from the existing decked car park to serve the overspill area. At weekends the barrier separating the park and ride and overspill would be removed so that it provides further parking during the weekend for the Village. However, visitors to the Village would still access the site from Pingle Drive.

Station Approach would be extended through the Village to create a bus and cycle link along Pingle Drive. A barrier will be placed at the north end of the existing decked car park to ensure that only buses/cycles can gain access through the site. A footpath will also be created between the decked car park and the application site providing a pedestrian link to existing footpaths to the south,

the Village and Bicester Town station

RELEVANT PLANNING HISTORY

The application site has not been the subject of previous planning applications. However, Bicester Village has been the subject of the following applications:

95/00536 – Variation of Condition 19 of CHS 305/93 (i.e. that the amount of restaurant/hot food sales (Class A3) be increased from 595 sq. m) – Approved 05 06 95

96/00619 – Use of land for car parking for temporary period of one year – Approved 24 06 96

96/00620/F – Provision of seven additional shop units, an extension to cafe and a day care centre with crèche, together with relocation and enlargement of children's play area and provision for access, parking, servicing and landscaping – Approved 29 08/96

96/01713/F – Provision of additional retail units (A1 and A3 use) and public toilets together with access, parking, servicing and landscaping (OUTLINE) – Withdrawn 17 10 97

96/01786/F – Erection of 7 new class A1 (retail) units, with provision for access, parking, servicing and landscaping – Withdrawn 17 10 97

97/00639/F – Stationing of Cafe Bus for three months to 30th June 1997 (Part retrospective) – Refused 30 04 97

97/00924/F – Proposed stationing of cafe bus, decorative fencing for period to 30th September 1997 Retrospective – Refused 30 06 97

97/01993/F – Use of existing building as cafe (A3 use) together with associated external alterations – Approved 19 01 98

98/01201/F – Provision of additional units, bus layover and stopping facilities and children's play area, together with service areas, parking and landscaping (OUTLINE) (as amended by revised layout plan accompanying applicant's letter dated 6 5 99) – Approved 10 01 00

99/00867/OUT – Toilets, baby change, cleaner room – Approved 10 01 00

99/02249/F – Reserved Matters (98/01201/OUT & 99/00867/OUT refers) Provision of additional units, bus layover and stopping facilities and children's play area together with service areas, parking, landscaping and provision of toilets (as amended) – Approved 03 04 00

01/00021/F – Two new restaurants and office facilities and new Tourist Information Centre (as clarified by agent's letter dated 16 02 01 and additional plans received 28 04 02) – Approved 06 03 01

01/00541/F – Relaxation of Condition 6 of 01/00021/F to allow the approved restaurants to open at 9am and to close service 2 hours after the end of the published trading day of shops within Bicester Village – Approved 27 04 01

05/02131/F – Retail development, decked car parking and associated works (including additional information received 14/11/05) – Approved 06 12 06

07/01955/F – Reconfiguration of vehicle access and car parking spaces, together with alterations to pedestrian stair and lift cores, to car park approved

under 05/02131/F – Approved 15 11 07

07/02415/F – Alterations to pedestrian bridge over Pingle Stream and to adjoining walk-ways approved under planning permission 05/02131/F – Approved 08 01 08

KEY ISSUES

The issues relevant to this application are

- 1 Whether the proposal has been the subject of a robust assessment, including consideration of alternative sites, the impact on local amenity, and travel impacts, including traffic reduction and generation
- 2 Whether the use is appropriate, designed and implemented in association with other measures, such as public transport improvements, traffic management and parking controls
- 3 Whether the provision of further parking to serve an out-of-town retail centre is acceptable and its potential impact on Bicester Town Centre

RELEVANT PLANNING POLICIES

The policies relevant to the application are as follows

Oxford Structure Plan 2016 – Policy T1, T2, T3, T5, T6, T8, G1, G2, EN9

Oxfordshire Local Transport Plan 2006 – 2011

Adopted Cherwell Local Plan 1996 – Saved Policy EMP1, C32

Non-Statutory Cherwell Local Plan 2011 – Policy S17, TR3, TR6, TR7, TR28

National Policy – Planning Policy Statement 1 Delivering Sustainable Development (PPS1), Planning Policy Statement 6 Planning for Town Centres (PPS6), Planning Policy Guidance 13 Transport (PPG13)

OFFICER'S REPORT

Overview

As stated previously, the proposal seeks to create a car park to serve as a park and ride facility for Bicester Town rail station, and a further overspill car park to serve the Village. The park and ride car park proposes 220 spaces with a further 196 spaces for the Village. It is proposed to create a moveable barrier between the two car parks so that visitors to the Village can only access the overspill parking area during the week. At weekends the barrier would be removed so that it provides further parking during the weekend for the Village.

Planning permission was originally granted in 1994 for a factory outlet in 1994. Since then the site has been extended twice and the last permission granted in 2006 for the 3rd phase development of the site under planning permission 05/02131/F. This permission was subject of a thorough assessment of the retail impact of the site on viability and vitality of Bicester Town Centre. This was considered acceptable and permission was granted subject to a complete s106 agreement.

This agreement secured environmental improvements for the site and 50 spaces for users of Bicester Town rail station. In addition to this, the applicant also agreed through the s106 to provide a Travel Plan for staff employed at the site through sustainable transport measures. The Travel Plan is to be submitted and secured before the 3rd phase comes into operation (approximately September 2008) and covers the entire site. The Travel Plan is also subject to annual monitoring through OCC. A vehicle counter is also being placed along Pingle Drive to monitor traffic movements.

The application site was purchased from the British Rail Residuary Body and a condition of the sale is that Bicester Nominees (the purchasers) use reasonable endeavours to secure the redevelopment of the former coal yard for parking purposes, primarily as a 220 space park and ride car park for passengers using the adjoining Bicester Town railway station (paragraph 1.01 of D & A statement)

In addition to this, the Land Registry entry for the sale of the site to Bicester Nominees also states the following shall be secured as part of the sale

- 1 Provide the Rail User's Car Park a car park of at least 220 spaces on the Property for the joint use of rail users on Normal Working days and customers of the Developer and Bicester Village,
- 2 Facilitate a bus link across the property between Bicester Village and Bicester Town railway station,
- 3 Either construct or make land available for a footpath link from Bicester Town railway station to Bicester Village as indicated on Oxfordshire County Council's Plan dated 14th June 2006

Therefore, as part of the sale, these covenants were placed upon the land which Bicester Nominees accepted. However, these are not covenants to which the Local Planning Authority or Council are party to. These are private arrangements between the vendor and the purchaser.

The agreement to provide the additional parking at the site for use as a Park and Ride scheme again, is a private matter. The Council has not been in discussions with either party to secure additional parking.

As a result of the permission granted under 05/02131/F, Bicester Village has a total of 1,433 car parking spaces exclusively for visitors to the Village. With the proposed parking the spaces would rise to 1,602 during the week and 1,822 spaces at weekends. It is proposed to transfer the existing 50 spaces for rail users from the decked car park to the new park and ride car park.

Policy Position

The site is a factory outlet centre located in an out of town location (table 2 and 3 to PPS6 refer). Paragraph 59 of PPG13 states,

'Park and ride schemes, in appropriate circumstances, can help promote more sustainable travel patterns, both at local and strategic levels, and improve the accessibility and attractiveness of town centres.'

PPG13 continues at paragraph 60 stating that,

'Schemes need to be developed as an integral part of the planning and transport strategy for the area, and should be included in the local transport plan and, where possible, in the development plan.'

Policy T2 of the Oxfordshire Structure Plan states that Park and Ride Schemes will be supported where they support the functions of the principal transport corridors and where they form part of a wider transport strategy. The supporting text to policy T2 continues by stating that,

'Oxford's Park and Ride has been a notable success in transferring car travellers to bus for the final part of their journey. It has allowed more people to travel to the centre of Oxford with no traffic increase on the radial routes and has allowed the redevelopment of valuable land formerly used for car parking. The Transport Networks Review has

found that there may be other opportunities for more remote park and ride, particularly related to the principal transport corridors (see Key Diagram) and to the relief of congestion. Such schemes will be investigated in more detail and supported where appropriate. Land may be required for park and ride schemes where these form part of a wider area transport strategy.

The Key Diagram of the Oxfordshire Structure Plan identifies the M40/A41/A34 as a Principal Transport Corridor. Policy T6 of the Plan states that,

The County Council will promote and support a comprehensive strategy for the safe and convenient carriage of people and freight by road, rail or special track. The principal transport corridors, the rail and trunk route networks and other projects referred to are defined in the Key Diagram.

The Local Transport Plan will

- 1 identify the manner in which the road and rail network and the operation of the premium bus network and other key public transport services will combine to provide an enhanced quality of travel to support the spatial development strategy of the Structure Plan,
- 2 assign roads in the county together with any special track to a hierarchy of networks supporting the spatial strategy of this Plan and identify their function at each level of the hierarchy,
- 3 identify network improvement schemes, and
- 4 identify the potential for integration between networks both for people and freight.

Development proposals that would have a significant adverse effect on the safe and efficient function of a network will not be permitted.

Land required for network development or improvement schemes will be safeguarded in the local plans/local development frameworks.

The Oxfordshire Local Transport Plan (LTP) also identifies the route between the A34 and the M40 as a problem with over 65,000 vehicles per day using the junction to travel between Bicester and Oxford. The LTP also recognises the A41 – King's End to M40 as the main route out of Bicester towards the M40/A34 and carries around 34,000 vehicles per day including Bicester – Oxford bus services.

In both instances, the LTP (pages 145 and 146 of LTP) proposes solutions for a remote park and ride car park at Bicester to help to reduce pressure on the A34 by encouraging local journeys from the Bicester area to Oxford to be made by Park & Ride.

The LTP also identifies the following solutions

- 1 Capacity enhancements at M40 Junction 9, including the provision of bus priority,
- 2 Bicester Premium Bus Route/Real Time Passenger Information Potential enhancement of Bicester to Oxford rail services, and
- 3 The Highways Agency also have plans to increase the capacity of the slip roads and roundabout at junction 9.

Moreover, policy TR7 of the Non-Statutory Cherwell Local Plan 2011 states that, The Council will not permit further Oxford based Park and Ride sites in Cherwell District.

Policy TR7 continues in its supporting text by stating that,

Commuter trips to Oxford should transfer to public transport at or close to the source of the journey. The Council considers that this aim will not be achieved if further schemes are promoted to extend existing or provide new park and ride facilities in the Oxford area.

The applicant suggests at paragraph 9.01 of the Design and Access statement that the, 'proposed park and ride car park for use by rail passengers accords with OSP Plan Policy T2, in that it supports the functions of a principal transport corridor by encouraging modal shift from car to rail by commuters and other travellers to Oxford and beyond'. The applicant continues at paragraph 9.02 stating that, 'The proposed development complies with policy S17 (of the NSCLP). The provision of the park and ride car park for use by rail passengers is a railway related use associated with the operation of the existing station, as specified within the policy.'

Policy T2 of the OSP clearly states at paragraph 4.13 that, 'The Transport Networks Review has found that there may be other opportunities for more remote park and ride, particularly related to the principal transport corridors and to the relief of congestion'. This would coincide with the findings within the LTP and the requirement to provide remote park and ride at Bicester.

The Transport Networks Review clearly identifies a potential park and ride scheme south of Bicester and states that,

The study recommends that park and ride sites are pursued close to Bicester to link to the 'Expressway' network. This would ease pressure on the existing Oxford sites and remove traffic from the major road network.'

The 'Expressway' network is a proposed bus service linking Oxford to Witney, Abingdon and Bicester and is again identified as one of the package of measures to reduce traffic in and around the A34 and the M40. Moreover, the proposal to develop a park and ride scheme to the south west of Bicester falls within the NSCLP's identified housing allocation, south west of Bicester.

Therefore, as the planning application does not propose a remote park and ride scheme it does not sit squarely with policy T2 of the OSP, but it does follow the general thrust of the policy to support the functions of principal transport corridors and where they form part of a wider transport strategy. Moreover, the context of the remote park and ride scheme is to facilitate journeys between Oxford and Bicester by bus and not rail and to ease congestion on the A34/M40. However, the proposal can rely on the LTP and the Oxfordshire Structure Plan for support as it seeks to reduce reliance on the private motor car and to reduce car borne trips to Oxford and beyond and seeks to create a more balanced link between rail and car and the quality of travel to support the spatial development strategy of the Structure Plan.

In addition to this, policy T3 of the OSP seeks the increased use of public transport through the improved integration between different modes of transport and improved interchange facilities. Cycle ways and pedestrian links will also be provided as part of the proposal in accordance with policy T5 of the OSP.

Planned Upgrade of Bicester/Oxford Line

The NSCLP does offer support at policy S17. The policy refers solely to Bicester Town Rail Station and states,

S17 proposals for the comprehensive redevelopment of land adjacent to Bicester town railway station will be permitted provided that it comprises

- (i) residential development (accessed from priory road),
- (ii) employment development (accessed from London road),
- (iii) open space and a flood/ecological buffer alongside Pingle stream,
- (iv) railway related uses associated with the operation of the existing station, and
- (v) public transport, cycle and pedestrian links

Piecemeal proposals that would prejudice the implementation of overall strategy for this area will not be permitted

Therefore, 'railway related uses' are an acceptable use of the site, which includes car parking to serve the station. However, the status of the NSCLP is a material consideration and the weight it can be afforded is limited. Notwithstanding its limited status as a plan, the NSCLP is a material consideration and needs to be taken into account as part of the development consideration.

The supporting text to policy S17 states at paragraph 5.87.9 that,

The railway station provides a focus for public transport in this area and proposals exist to upgrade rail services in Bicester as part of the East-West Rail Link. If the frequency and quality of service to Bicester Town is to increase in the longer term, the Council considers that this must be matched by an increase in the quality of station facilities. While such improvements will be the responsibility of Network Rail, provision should be made to meet operational needs of the station such as improved car parking, interchange and bus stopping facilities in the future.

Therefore, providing car parking spaces is a function of the land that the Council would support. However, this needs to be supported by planned upgrading of the line between Bicester and Oxford.

PPG13 also states at paragraph 61 that,

Where their use is appropriate, schemes need to be designed and implemented in association with other measures, such as public transport improvements, traffic management and parking controls. Schemes should not be designed to increase significantly the total public parking stock available in a town and care should be taken (for example through tariff structures) to avoid encouraging additional travel, and especially commuting, by car. Schemes should be designed for use by disabled people, and to promote the potential for walking, cycling and motorcycle journeys to and from the site. They should also be designed and operated in order to maximise safety in the area and for those using the schemes.

Rail Operator's Comments

Network Rail have not objected to the proposal. Moreover, Chiltern Railways have confirmed that improvements to the line are planned and that 'Bicester Village station will be adjacent to and will replace the unsatisfactory existing station at Bicester Town. It will have direct access to both the shopping mall and to the town centre, a full range of facilities and plenty of car parking' (Chiltern Railways letter dated 25th June 2008)

In addition to this, Chiltern Railways also state in the same letter that the service from Bicester to London Marylebone will be doubled to 4 trains each hour (2 from Bicester North and 2 from Bicester Town) with journey times to Oxford from Bicester Town reduced to 13 minutes

Therefore, the applicant has demonstrated that the proposed park and ride car park has been 'designed and implemented in association with other measures, such as public transport improvements, traffic management and parking controls (Paragraph 61, PPG13)

However, if the use of the land is appropriate and implemented in association with other measures, paragraph 63 of PPG13 states that caution is to be taken when considering such parking and states,

The provision of parking at urban and suburban rail stations can increase the potential catchment population for rail services, but can at the same time exacerbate road congestion in the surrounding area. At main line stations it may also discourage travellers from using local bus or train services to connect to longer distance services. Parking may also result in lower density development in the immediate vicinity of the station. Local authorities need therefore to consider the case for parking facilities at urban and suburban rail stations, and the treatment of on-street parking near to stations within the context of their local transport plan objectives and advice in this guidance, including paragraph 21 on making the most of highly accessible sites. In doing so, they should take account of the views of train operators and the SRA, and the potential for railway stations to act as park and ride sites for destinations outside the immediate locality

OCC Highways have considered the proposal and do not object to the parking areas and the proposed access. Moreover, they do not object to the proposal on traffic generation grounds and require the provision of certain conditions regarding bus and cycle access and pedestrian routes

Therefore, the proposal is considered acceptable and will not exacerbate road congestion in the surrounding area. Moreover, the provision of the overspill car park at peak periods, in conjunction with the availability of the park and ride car park at weekends, would ease traffic congestion on Pingle Drive and Oxford Road during these peak periods (weekends/bank holidays/Christmas period)

Current Parking for Rail Users

The applicant states at paragraph 9.06 of the Design and Access statement that there are currently only 20 spaces at Bicester Town Station for rail users. These spaces are the existing spaces directly outside the station. However, as already discussed, as part of the 3rd phase development of Bicester Village, a further 50 spaces were provided at the decked car park, some 150m from the station. These spaces have been provided and are situated to the north of the decked car park and within the decked car park. Signs have been erected informing visitors to the Village that these spaces are reserved for rail users. However, on

visiting the site and speaking to users of the spaces, it is clear that visitors to the Village are using these spaces and are unaware that they are for rail users only. Management of the spaces appears non-existent.

The applicant has stated that the proposed car park for park and ride customers will be separated by a physical barrier so that visitors to the Village cannot use the park and ride area during the week. However, given the failure of the Village to properly control usage of the existing 50 spaces, concern is raised over the proper control of the additional 220 spaces.

Therefore, should Members be minded to approve the application, a robust condition securing enforcement of the park and ride area and the control over its use during the weekend would be required.

Loss of Employment Site

Officers have discussed the retention of the existing businesses on the site with tenants currently occupying the site. However, the loss of the existing businesses are not considered against this proposal as the site is not allocated as a protected employment site within the development plan. Furthermore, the current occupiers of the land are tenants on short term lets of 6 months. Should the current landowners seek to serve notice on the tenants (without applying for the current planning permission), then the Local Planning Authority could not intervene. This is a private matter between the landowner and the tenants. For the LPA to consider approving the proposal with a condition restricting the current permission for a period of time for the tenants to re-locate or seeking to refuse permission based on the loss of employment land would be ultra vires and/or unenforceable. There has been dialogue with the applicant (the freeholder of the site) and Officers. This has been encouraging and there may be scope to extend the period to vacate the site. However, this remains a private matter between the freeholder and tenants.

Additional Parking for Bicester Village

The final issue to be considered is the proposed additional parking dedicated for Bicester Village and the proposal to utilise the park and ride at weekends for visitors to the Village.

Bicester Village is the largest retail outlet in Europe and offers shoppers a designer shopping experience. The site provides approximately 20,626 sq m gross floorspace and current car parking is operating at some 20% above capacity (Traffic Impact Assessment paragraph 5.1.7).

The current parking does not cater for the existing level of staff and visitors. Moreover, the opening of the 3rd phase in September 2008, is likely to attract more visitors. Bicester Village does offer alternative methods to travel to site and offer a free mini-bus service for passengers arriving at Bicester North Station which has increased in popularity since its inception in 2003 from 24,000 visitors to 110,600 in 2007 (D & A statement, paragraph 9.11). The proposed rail upgrades will also be promoted as an alternative to visiting the Village by car.

However, there still remains a need for additional parking at peak periods (weekends/bank holidays/Christmas) to ease congestion on Pingle Drive and Oxford Road. It is the intention of the Village to open the overspill car park during peak periods only.

The location of the overspill parking area is not best located in relation to the Village. It is further removed from the Village than other existing car parks and is the least attractive position to park. However, as suggested by the applicant, the

overspill car park and the use of the park and ride car park will only be used as a last resort to ease congestion at peak periods

Therefore, considering the nature of the Village and the large number of visitors that visit the site at peak periods, the overspill car park and the use of the park and ride car park is considered acceptable in order to reduce congestion at peak periods

Flooding Issues

The site lies within Flood Zone 1 as identified by the Environment Agency. As such, given the proximity of the development to the Pingle Stream, an objection was raised by the Environment Agency

Subsequent discussions between the applicant and the Environment Agency has since removed this objection subject to appropriate conditions. These conditions are as set out at the end of this report

CONCLUSION

In conclusion, the proposal to develop a park and ride car park for users of Bicester Town Rail Station has been based on the future upgrade of the Oxford/Bicester/Marylebone line and seeks to promote alternative modes of travel between destinations. PPG13 expects park and ride proposals to be developed as an integral part of the planning and transport strategy for the area, and should be included in the local transport plan and, where possible, in the development plan

Policy T2 and T6 of the OSP support rail based parking areas and actively support park and ride areas to promote sustainable modes of traffic. In addition, policy S17 of the NSCLP also seeks to promote rail based development at Bicester Town Station

The overspill parking for Bicester Village and the use of the park and ride car park during peak periods at weekends has been justified to ease congestion along Pingle Drive and Oxford Road during these periods

Therefore, the proposal is considered acceptable, subject to the conditions as set out above

Appendix 2

Application 10/0439/F



DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

Name and Address of Agent/Applicant :

Bicester Nominees & Bicester Nominees II Ltd
c/o Lyons+Sleeman+Hoare
Mr Roger Finch
Nero Brewery
Cricket Green
Hartley Wintney
Hook
Hampshire

Date Registered : 19th March 2010

Proposal : Variation of condition 2 of planning permission 08/00704/F - implementation in accordance with the proposed changes to site layout.

Location : Former Railway Coal Yard Station Approach Bicester Oxfordshire

Parish(es) : Bicester

UPRN : 010011910815

PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxon
OX15 4AA

Cherwell District Council
Certified a true copy

Head of Development Control & Major Developments

Date of Decision : 14th May 2010

**Head of Development Control
& Major Developments**

SCHEDULE OF 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: Drawing numbers P-407, P-408 and P-409 submitted with the application.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.

- 3 That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 4 That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 5 That full details of the enclosures along all the boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority and such means of enclosure shall be erected prior to the first use of the site.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 6 That details of the external lighting at the proposed car park(s) shall be submitted to and approved by the Local Planning Authority prior to the first use of the site. The development shall be carried out and retained thereafter in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to safeguard the amenities of the area and to ensure the creation of a pleasant environment for the development and to comply with PPG13: Transport, Policy C4 of the South East Plan and Policies ENV1 and C28 of the adopted Cherwell Local Plan.

- 7 That details of the enforcement and control of vehicles using the park and ride car park during week days shall be submitted to and approved by the Local Planning Authority before the car park(s) are first brought into use.

Reason: To ensure that the use of the park and ride car park is effectively monitored and controlled and to ensure that only bona fide rail users are parking vehicles within the car park during weekdays in accordance with T4 of the South East Plan 2009.

- 8 That the surface water drainage strategy shall be as detailed in drawing 60049179/D/GA/105 Rev P2 submitted on 22 April 2009.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to prevent the pollution of the water environment and to comply with Government advice in PPS25: Development & Flood Risk and Policy NRM4 of the South East Plan 2009.

- 9 That the ground contamination shall be dealt with in accordance with the desk study, ground investigations and interpretative reporting referred to and summarised in the Faber Maunsell letter dated 22 April 2010.

Reason: To ensure that the development of the site does not pose a risk to controlled waters and that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and that the site is suitable for the proposed use in compliance with Policy ENV12 of the adopted Cherwell Local Plan.

- 10 That the bus link at the northern end of the site shall be constructed to adoptable road standards.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

PLANNING NOTES

1. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Contact the Environment Agency National Customer Contact Centre on 0870 8500 250 for further details.
2. All waste removed should be taken to a suitably licensed facility.

3. No development should take place until an investigation has been submitted to assess the impact that any SUDS will have on the water quality. The investigation should determine the type of SUDS proposed and the mitigation needed. The construction of the SUDS should be carried out in accordance with details submitted to and approved by the Environment Agency.
4. Any SUDS from car or lorry parking areas would need to incorporate suitable measures for the protection of water quality. This is likely to include measures to mitigate the discharge of hydrocarbons to ground or surface water. Details of treatment techniques are outlined in Ciria Report C609. The Environment Agency would wish to be consulted on any protection measures.
5. Surface water from parking or yard areas should pass through a suitable type of oil/grit separator, the design of which shall be to the satisfaction of the Environment Agency.
6. The Environment Agency normally require a package treatment plant if discharging direct to a watercourse.

REASON 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 pays proper regard to the character and appearance of its surroundings and does not cause harm to neighbourhood amenity or highway safety. As such the proposal is in accordance with Policies BE1, T4, NRM4, C4 and CC6 of the RSS for the South East 2009 and Policies ENV1, ENV12 and C28 of the adopted Cherwell Local Plan. 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.



NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

NOTES TO THE APPLICANT

TIME LIMITS FOR APPLICATIONS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply :

Where planning permission is given in outline subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Where the planning permission is complete and is not in outline, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters :

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before starting work on site.**
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 01295 221597, fax 01295 253153 or E-mail at building.control@cherwell-dc.gov.uk

- The need to obtain a separate “Listed Building Consent” for the demolition, alteration or extension of any listed building of architectural or historic interest from the Local Planning Authority.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.
- It is the responsibility of the applicant to ascertain whether his/her development affects any public right of way, highway or listed building.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to grant permission or approval subject to conditions, you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel (0117) 372 8000.** The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

Cherwell District Council – Delegated Report

Application No. 10/00439/F **Case Officer:** Rebecca Horley **Site Visited:** 29/04/2010

Site Address: Former Railway Coal Yard, Station Approach, Bicester, Oxon

Proposal: Variation of condition 2 of planning permission 08/00704/F – implementation in accordance with the proposed changes to the site plan

Site Description & Proposal

The former railway coal yard site lies adjacent to Bicester Village Retail Park and the railway. The McKay Trading estate adjoins the site to the north and there is direct access onto Station Approach which leads onto the London Road. The entire car park is on a level surface.

Application 08/00704/F gave permission for a park and ride for passengers of Bicester Town Railway Station and as an overflow car park for visitors to Bicester Village. This application seeks to vary condition 2 which states

"The development hereby permitted shall be carried out in strict accordance with the following list of approved plans 02/066/P/401 Rev E, 02/066/P/402 Rev B and 02/066/P/403 Rev B received 13 March 2008"

Reason: To ensure that the development is carried out in a satisfactory manner.

The proposal involves moving the layout 2m away from the approved boundary with the railway which will avoid the need for a retaining wall between the car park and the railway. There are a number of minor consequential changes to the layout as a result and these are documented in the design and access statement. Drawing No P-401 Rev E submitted with the application is for information/comparison purposes only.

Application Publicity & Comments

The application has been advertised by way of press notice/neighbour letter. The final date for comment was 14/05/2010. Although 3 letters have been returned through the mail, no letters of objection have been received.

Consultations

- Parish Council – No comments received
- OCC Highways – No objection

Relevant Policy

- Government Guidance in PPS1, PPS4, PPG13 and PPS25
- Policies BE1, T4, C4, NRM4 and CC6 of the RSS for the South East 2009
- Policies ENV1, ENV12 and C28 of the Adopted Cherwell Local Plan

Appraisal

The principle of the car park has already been established by the 2008 consent and key issues raised by that application have been addressed. Being surrounded by other car parking and industrial estates and businesses, there would be little harm caused to neighbours and their level of amenities remain protected. Similarly, the site is not prominent so there would be any harm caused to the visual amenities of the area. The principle issue to consider with this application is, therefore, highway safety.

In noting the comments from the Highway Authority, the changes will amount to a loss of 10 spaces which in terms of the site's potential parking capacity, is not significant. The proposed scheme is similar to the

Signed Case Officer

Date

Signed SPO/TL/HOS DC&MD

Date 14/5/10

Cherwell District Council – Delegated Report

approved scheme with appropriate pedestrian links. In highway safety terms, therefore, the application is acceptable.

In recommending approval of amendments to condition 2 of 08/00704/F this has the effect of issuing a new consent, hence the imposition of the following conditions.

Recommendation

Approval, subject to the following conditions,

Conditions

1. SC1 4A (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. Drawing numbers P-407, P-408 and P-409 submitted with the application.
Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.
3. SC3 0A (RC10A)
4. SC3 1A (RC10A)
5. That full details of the enclosures along all the boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority and such means of enclosure shall be erected prior to the first use of the site (RC4A).
6. That details of the external lighting at the proposed car park(s) shall be submitted to and approved by the Local Planning Authority prior to the first use of the site. The development shall be carried out and retained thereafter in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
Reason - In the interests of highway safety, to safeguard the amenities of the area and to ensure the creation of a pleasant environment for the development and to comply with PPG13 Transport, Policy C4 of the South East Plan and Policies ENV1 and C28 of the adopted Cherwell Local Plan.
7. That details of the enforcement and control of vehicles using the park and the car park during week days shall be submitted to and approved by the Local Planning Authority before the car park(s) are first brought into use.
Reason - To ensure that the use of the park and the car park is effectively monitored and controlled and to ensure that only bona fide rail users are parking vehicles within the car park during weekdays in accordance with T4 of the South East Plan 2009.
8. That the surface water drainage strategy shall be as detailed in drawing 60049179/D/GA/105 Rev P2 submitted on 22 April 2009.
Reason - To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to prevent the pollution of the water environment and to comply with Government advice in PPS25 Development & Flood Risk and Policy NRM4 of the South East Plan 2009.
9. That the ground contamination shall be dealt with in accordance with the desk study, ground investigations and interpretative reporting referred to and summarised in the Faber Maunsell letter dated 22 April 2010.
Reason - To ensure that the development of the site does not pose a risk to controlled waters and that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and that the site is suitable for the proposed use in compliance with Policy ENV12 of the adopted Cherwell Local Plan.
10. That the bus link at the northern end of the site shall be constructed to adoptable road standards (RC13BB).

Signed Case Officer

Date

Signed SPO/TL/HOS DC&MD

Date

Cherwell District Council – Delegated Report

PLANNING NOTES

- 1 Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Contact the Environment Agency National Customer Contact Centre on 0870 8500 250 for further details.
- 2 All waste removed should be taken to a suitably licensed facility.
- 3 No development should take place until an investigation has been submitted to assess the impact that any SUDS will have on the water quality. The investigation should determine the type of SUDS proposed and the mitigation needed. The construction of the SUDS should be carried out in accordance with details submitted to and approved by the Environment Agency.
- 4 Any SUDS from car or lorry parking areas would need to incorporate suitable measures for the protection of water quality. This is likely to include measures to mitigate the discharge of hydrocarbons to ground or surface water. Details of treatment techniques are outlined in Ciria Report C609. The Environment Agency would wish to be consulted on any protection measures.
- 5 Surface water from parking or yard areas should pass through a suitable type of oil/grit separator, the design of which shall be to the satisfaction of the Environment Agency.
- 6 The Environment Agency normally require a package treatment plant if discharging direct to a watercourse.

REASON 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 pays proper regard to the character and appearance of its surroundings and does not cause harm to neighbourhood amenity or highway safety. As such the proposal is in accordance with Policies BE1, T4, NRM4, C4 and CC6 of the RSS for the South East 2009 and Policies ENV1, ENV12 and C28 of the adopted Cherwell Local Plan. 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.

Signed Case Officer

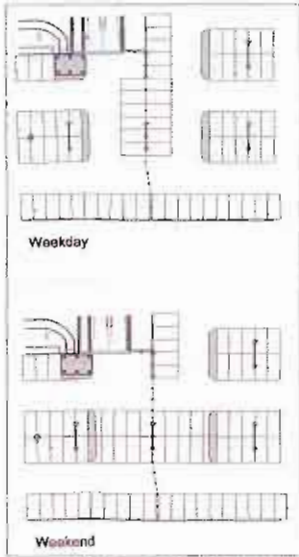


Date 14.5.10

Signed SPO/TL/HOS DC&MD

Date:

WEEKDAY SPACES:	
Park and Ride Spaces	= 219
Value Retail Overspill	= 160
TOTAL SPACES	= 379
WEEKEND SPACES:	
Value Retail Overspill	= 387
TOTAL SPACES	= 387
*See extract of drawing 08/048/11-09 for weekday and weekend layouts, which indicate additional spaces to achieve the totals above.	



EXTRACT: 08/048/11-09

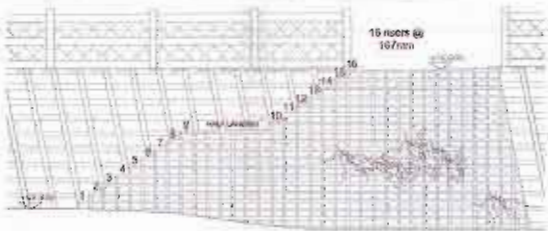
WEEKDAY AND WEEKEND ADDITIONAL PARKING SPACE LAYOUTS (1:500)



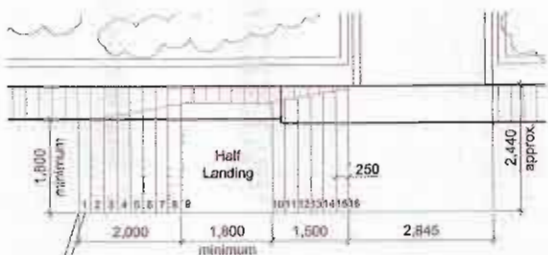
PLANTED TIMBER PERMACRIB WALL, WITH 1200MM HIGH TIMBER FENCE ABOVE



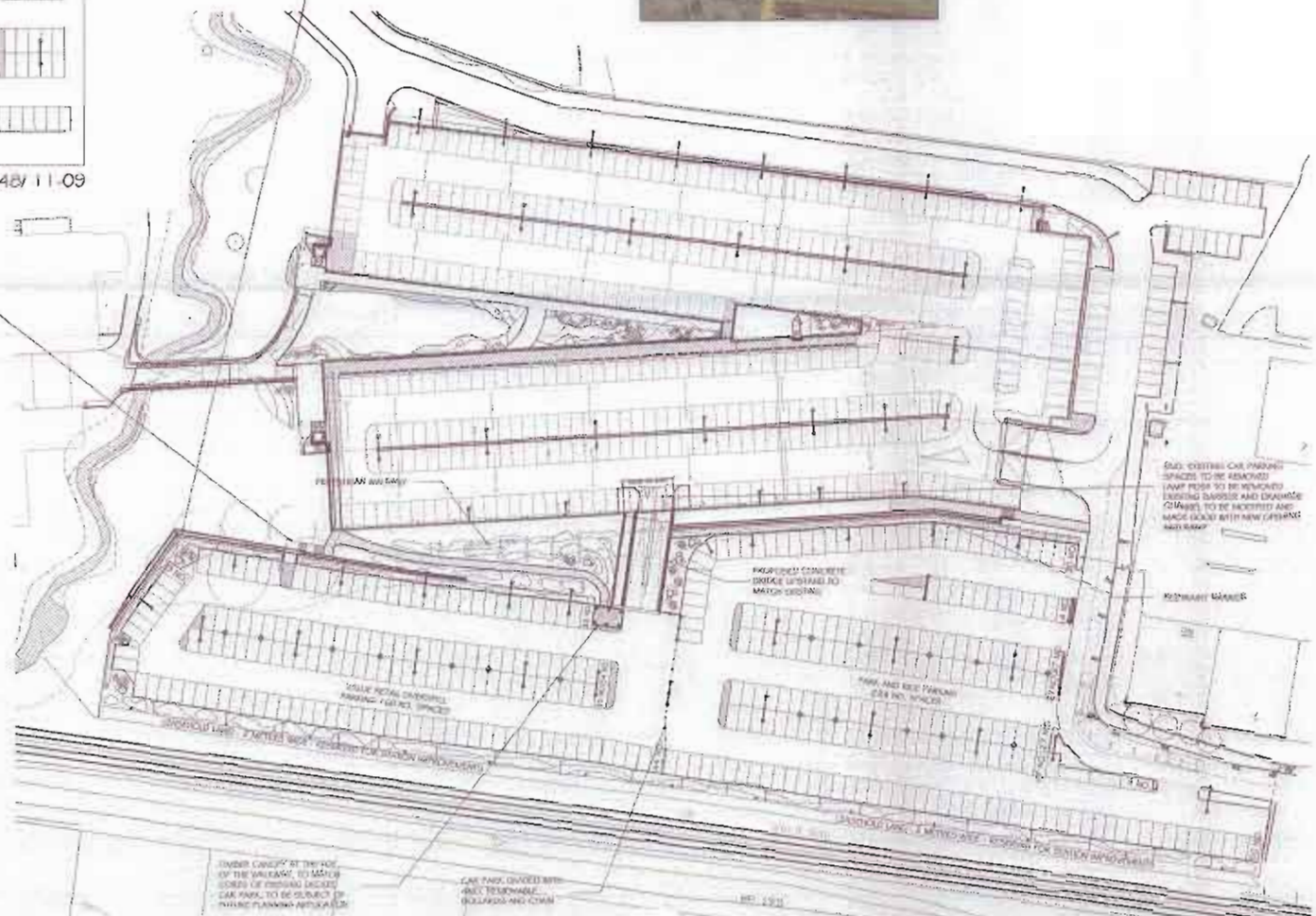
NEW PERMACRIB PEDESTRIAN STEPS



PERMACRIB STEPS - ELEVATION (1:50)



PERMACRIB STEPS - PLAN (1:50)



Appendix 3

Officers Report and Council Minute for 10/00023/TWA

Agenda Item 8
10/00023/TWA



Scale 1:53,863

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Page 02

Cherwell

**DISTRICT COUNCIL
NORTH OXFORDSHIRE**

Application No: 10/00023/TWA	Ward: Bicester East	Date Valid: 08.01.10
Applicant:	The Chiltern Railway Company Ltd	
Site Address:	Bicester to Oxford Rail Link	

Proposal: Improvements to the railway line between Bicester and Oxford as part of the proposals by Chiltern Railways to provide a new route between Bicester and London.

1. Site Description and Proposal

1.1 The proposal seeks to upgrade the existing line through Bicester Town to Oxford, and to provide a connection between the existing Bletchley to Oxford rail line to enable the operation of direct train services between London Marylebone and Oxford via High Wycombe.

The main components of the scheme are to:

- (i) Provide a new connection twin track chord railway line from the London to Birmingham line to the Oxford to Bicester to Bletchley line at Gavray Drive.
- (ii) Rebuild Bicester Town Station with two platforms and the reinstatement of a double track.
- (iii) Upgrade the railway line from Bicester through Islip and through to Oxford to enable trains to travel at speeds up to 100mph.
- (iv) Rebuild Islip Station with two platforms and disabled access provision.
- (v) Provide new parkway station on the existing grain silo site at Gosford and Water Eaton with ticket office, coffee shop and additional parking.
- (vi) Relocate the existing rail aggregates depot at Gosford and Water Eaton onto land to the north.
- (vii) Improvements to oxford Station.

1.2 The new service is scheduled to commence in May 2013 and will provide two trains per hour between London Marylebone and Oxford with journey times of 66 minutes from Oxford and 58 minutes from Water Eaton. The journey time for Bicester to Oxford will be reduced to 14 minutes. All trains will call at Oxford, Water Eaton and Bicester Town with a reduced service calling at Islip.

1.3 The proposal is being considered under the Transport and works Act 1992 and Cherwell District Council are currently being asked to consider the proposal as a consultee. A public inquiry later this summer will consider all the representations and any objections and the conditions attached to the direction will be discharged by the Local Planning Authority. In effect this means that Cherwell District Council

will discharge conditions and agree the detailed designs of the buildings and structures etc. following the presentation of illustrative proposals at the inquiry.

- 1.4 The proposals follow improvement works which have already been carried out following the Evergreen 1 and Evergreen 2 projects which resulted in the doubling of the track between Bicester and Aynho improved line speed, extra signaling between London and Bicester and two extra platforms at London Marylebone.
- 1.5 There are currently 38 rail crossings between Bicester and Oxford, in the main serving local footpath networks and farm complexes. National policy is to eliminate as many of these as possible for health and safety reasons.

The scheme will therefore result in the need to close and divert a number of rail level crossings, footpaths and bridleways, with a number of existing crossings combined with adjacent crossings and/or replaced with a bridge where necessary. The existing London Road Bicester level crossing will be retained.

2. Application Publicity

- 2.1 Cherwell District Council are a consultee as the proposal is being considered under the Transport and Works Act 1992. No publicity has therefore been carried out by Cherwell District Council. All the necessary public and statutory consultations and publicity have been carried out by Chiltern Railways.

3. Consultations

- 3.1 Cherwell District Council is a consultee and therefore consultations have not been carried out, although comments from the Council's Environmental health Department in respect of noise, dust and air quality are awaited.
- 3.2 Gosford and Water Eaton Parish Council have copied Cherwell District Council in on comments that they have made on the proposal which focus mainly on the relocation of the aggregate depot, and, part of the park and ride periphery road into the Green Belt and the Traffic Impact Assessment which has been carried out and in relation to the previous appeals on the site.

Whilst accepting the rail improvements in principle however, the Parish Council's objections are briefly summarised as follows:-

- (i) Any development not contained within the boundaries of the existing railway and grain silo site are unacceptable and cannot be justified under Green Belt Policies.
- (ii) Decking the proposed car park to provide 1,032 spaces is unacceptable as additional traffic could lead to congestion on the A4165 and grid-locking the local network. Do the T.A's include expected vehicle growth from future major proposals also? Policy is to reduce car travel.
- (iii) Concern about the capacity of junctions to accommodate the additional traffic.
- (iv) Little information about how the traffic flows are made up, in particular

taking account of term time and school runs.

- (v) The statement does not take into account by those coming to the site by car, or by bus.
- (vi) Has any consideration been given to proposing a direct link road between the A34 or via a route onto the A4165?
- (vii) Will there be parking charges, if so this could lead people to choose the free park and ride car park, or to park in local residential streets in Kidlington.
- (viii) Need to ensure that any combined bridle/road over bridge is not only commodious enough for farm use but also for safety of walkers.
- (ix) Need to monitor noise and vibration during construction.
- (x) Chiltern Railways should update their FRA to compare with the Environment Agency's new flood map for the area.
- (xi) More details are required regarding surface water from the new parkway station and polluted water run-off.
- (xii) Object to the relocation of the aggregates depot into the Green Belt and question whether this actually has consent. This use has also caused noise problems in the past. Require routeing agreement for heavy lorries.
- (xiii) Grundons have a consent for recycling and waste at the site and are concerned that this could end up being located adjacent to the aggregate depot.
- (xiv) The grain silo is used by nesting birds including swallows and this should be taken into consideration.

The majority of these concerns relate to highway issues which will need to be addressed by the Highway Authority.

4. Relevant Planning Policies

- 4.1 Policy S17 of the Non-Statutory Cherwell Local Plan identifies the Bicester Town railway station land to the north of the railway line for mixed use development and identifies an area specifically for uses related to the railway station. Policy TR29 safeguards land at Gavray Drive for the provision of the new 'chord' line relating to the improved railway network.
- 4.2 The land just south of Wendlebury lies within the Oxford Green Belt. The developments, particularly relating to Islip Station and Gosford and Water Eaton must therefore be considered under Policy GB1 of the Non-Statutory Cherwell Local Plan together with Central Government Guidance in PPG2 'Green Belts'
- 4.3 South East Plan Policies SP2, SP5, T1, T8, T11, T14, CO4.

5. Appraisal

Bicester Town Station

- 5.1 The proposal seeks to rebuild Bicester Town Station which is located to the south of the town centre. The new station building which will include a ticket office and coffee shop will be located on the west side of the railway, accessed from Station Approach. The existing access from Station Approach onto the London Road will be realigned. Parking provision will be made for up to 519 car parking spaces, motorcycles and bikes. The car park will be ground level initially but may be decked as demand increases.
- 5.2 This existing railway line is already in use albeit a very reduced service. This proposal will contribute to the improvement of the rail service to and from London to the town. The existing station is currently underused and not very well connected to the town centre. The proposal is welcomed in respect of providing the improved rail links to Bicester which is to experience significant growth over the next four years. Visually the proposal is unlikely to adversely affect the character and appearance of the area.
- 5.3 Planning consent was granted in July 2008 for the creation of a new car park to serve as a park and ride facility for Bicester Town Railway Station and a further overspill car park to serve Bicester Village (08/00704/F refers). If this rail proposal is implemented it will not be possible to implement the above mentioned permission and therefore a fresh application will be required.
- 5.4 The existing pedestrian Tubbs Lane crossing is well used and will therefore need to be replaced with a new footbridge to provide a safe crossing for the large number of users which include those pushing prams and bikes and the mobility impaired. The proposed new bridge therefore needs to be fully DDA compliant and will be a steel ramp and stepped structure on steel pillars either side of the railway.
- 5.5 There are some concerns regarding the size and visual appearance of this new footbridge which will be visible from Garth Park, Launton Road and the adjacent residential development, and it is therefore suggested that Chiltern Railways seek to ensure that all efforts are taken to ensure that the bridge structure is designed to reduce its size, visual impact and therefore impact on adjacent residential properties as much as possible.

Islip Station

- 5.6 It is proposed that Islip Station will remain a station principally for local commuter use rather than for the wider area. The proposed improvements comprises two new eight car platforms with improved disabled access to both platforms. A new shelter will be provided with a footbridge linking the two platforms. The works to Islip Station are not significant and will have minimal impact upon the visual amenities of the locality, the residential amenities of adjacent residential properties and is unlikely to generate increased traffic to the village because of the lesser status of this station compared to Bicester Town and Gosford Parkway. These proposals are therefore considered acceptable in terms of the character and appearance of the

street scene and the character, appearance and openness of the Green Belt.

Water Eaton Parkway

- 5.7 A new parkway station is proposed on the site adjacent to the existing park and ride and currently occupied by the grain silos. This new station will serve Kidlington, Yarnton, North Oxford and the surrounding area. The proposed station will include a ticket office, coffee shop and additional car parking. The car park will be initially a surface car park but will have the potential to be decked should the demand arise in the future. The existing aggregate depot and the railway sidings would be relocated on land to the north.

The existing access into the grain silo site would be closed and the access into the adjacent park and ride will be redesigned to serve the additional traffic.

The new station building is proposed to be two storey so that direct access can be gained from the higher level A4165 and the bus stops along it.

Existing Public Right of Way and Level Crossings

- 5.8 The Bicester to Oxford route was originally built between 1848 and 1851 and has a total of 38 road, footpath, bridleway and accommodation crossings between Bicester and Oxford. As the scheme will result in a more frequent and faster service on the line than at present, and to ensure the safety of rail users and users of those crossings it will be necessary as part of the proposal to close all but one of these crossings and where appropriate to replace them with bridges. In some instances these crossings will be amalgamated thereby reducing the number of crossings along this length of railway. The crossings are as follows:-

- Gavray Drive – a new stepped footbridge will be constructed over the rail chord
- Tubbs Lane – a new DDA compliant bridge will be constructed.
- London Road level crossing will be retained.
- Langford Lane level crossing will be closed and a new road provided to the south avoiding the Alchester Scheduled Ancient Monument.
- Elm Tree Farm will be closed and diverted to the replacement bridge for Langford Lane
- Merton Footpath will be replaced by a new footbridge over the railway.
- Wendlebury Footpath will be closed and diverted to the Merton footbridge.
- Beebont bridleway will be closed and replaced with a new dual purpose bridleway and farm accommodation bridge to the south of Holts Farm.
- Oddington footpath will be closed and diverted to a new bridge at Oddington level crossing.
- Yew Tree Farm will be closed and diverted to Oddington level crossing

- Oddington level crossing will be closed and a new highway bridge provided.
- Islip footpath will be closed and diverted to link with a new footbridge at Oddington No. 5.
- Oddington No. 5 will be closed and replaced with a stepped metal bridge.
- Islip No. 4 will be closed and re-diverted to Oddington No. 5
- Islip level crossing will be closed and new bridge proposed.
- Water Eaton No. 5 will be closed and diverted.
- Gosford and Water Eaton No. 4 will be closed and diverted.

Overall the integrity of the public rights of way network has been retained and where crossings are being closed either a replacement or diversion to a nearby bridge have been proposed. The number of new footbridges have been kept to a minimum by rationalizing the number of crossings thereby reducing visual impact upon the character and appearance on the open countryside and adjacent residential properties as much as possible. It is therefore considered that there would be no significant harm as a result of these proposals to justify an objection.

Impact on Green Belt

- 5.9 A significant element of the scheme includes works which are within the Oxford Green Belt, namely the dualling of the track within the existing railway corridor, a number of road and footpath and bridleway bridges, Islip Station and Water Eaton Parkway.

Great importance is placed on protecting the Green Belt and substantial weight must be attached to any harm proposals may cause to it. PPG2 'Green Belt' states that there is a general presumption against inappropriate development within the Green Belt and such development should not be approved except where 'very special circumstances' have been demonstrated. The presumption against development in the Green Belt is carried through policies within the South East Plan and Local Plan Policies.

It is considered that the new roads and footbridges over the railway within the Green Belt are necessary to maintain the existing rights of way and that their visual harm is outweighed by health and safety issues. The bridges and roads will not be visible from great distances and they will therefore have minimal impact on the character, appearance and openness of the Green Belt.

The improvements to Islip Station are not considered to be significant in terms of the character, appearance and openness of the Green Belt and are therefore considered acceptable.

The most substantial development within the Green Belt is the construction of the new Water Eaton Parkway and relocation of the existing aggregate depot. With the exception of the relocated aggregates depot which will be into agricultural land to the north, the land here is previously developed land and contains a number of

buildings including a large derelict grain silo and is hard surfaced for much of it. The development proposed, however, is quite clearly 'inappropriate' development within the Green Belt and therefore can only be considered acceptable if there are very special circumstances which justify it. The existing grain silo is extremely prominent within the Green Belt and its demolition will reduce the impact that this site has on the character, appearance and openness of the Green Belt.

It is considered that the new parkway station with associated car parking is inappropriate development which will have an impact upon the character, appearance and openness of the Green Belt. However, it is considered that the harm is outweighed by the very special circumstances case submitted which states that the proposal will increase the rail capacity along the Birmingham to London rail corridor benefitting both passengers and freight from the Midlands via Oxford to the Solent Ports and thereby providing a more sustainable public transport system, and also to facilitate the provision of the East West Rail Link.

Concerns however are raised over the relocation of the aggregate depot into the open countryside and Green Belt to the north of the existing site. The proposal contains very little information regarding this current use, the area of land involved and how this new enterprise will be accommodated. In this regard therefore it is considered that this element of the proposal is inappropriate development for which no very special circumstances have been made, contrary to the South East Plan and Local Plan Policies and advice within PPG2 'Green Belts'.

6. Recommendation

That Chiltern Railways be advised that Cherwell District Council welcomes the proposed improved passenger rail service and supports the application in principle but raises the following issues:-

- 1. The relocation of the aggregate depot into the open countryside and Green Belt north of the site is contrary to Policies SP5 and CO4 of the South East Plan, Policy GB1 of the adopted Cherwell Local Plan, Policy GB1 of the Non-Statutory Cherwell Local Plan and Central Government Guidance in PPG2 'Green Belts' and is therefore inappropriate development for which no very special circumstances have been put forward.**
- 2. There are concerns about the design of the new bridge over the Tubbs Lane crossing in terms of its visual impact upon the amenities of the locality in general and impact upon the residential amenities of adjacent residential properties in terms of its size, height and appearance from those properties.**
- 3. The District Council queries the need to provide so much car parking at Bicester Town Station and how this proposal relates to the County Council's Integrated Transport proposals for Bicester and the proposed park and ride facility at South West Bicester.**

CONTACT OFFICER: Linda Griffiths

TELEPHONE NO: 01295 227998

- Limiting the surface water run-off rate generated by the development to 3.4l/s/ha so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - Providing sufficient attenuation for a volume of 697m³ so that it will not exceed the run-off volume from the undeveloped site and not increase the risk of flooding off-site.
 - All adoptable roads and parking areas will be permeable paving and all dwellings will have water butts.
23. Development shall not commence until a drainage strategy detailing any on or and off site drainage works, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

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Bicester to Oxford Rail Link

The Committee considered a report of the Head of Development Control and Major Developments for improvements to the railway line between Bicester and Oxford, as part of the proposals by Chiltern Railways to provide a new route between Bicester and London.

The Committee considered the need for adequate parking facilities and requested that comment three in the report be amended to ensure this was taken into consideration.

In reaching their decision, the Committee considered the Officers' report, presentation and written update.

Resolved

That Chiltern Railways be advised that Cherwell District Council welcomes the proposed improved passenger rail service and supports the application in principle but raises the following issues:

1. The relocation of the aggregate depot into the open countryside and Green Belt north of the site is contrary to Policies SP5 and CO4 of the South East Plan, Policy GB1 of the adopted Cherwell Local Plan, Policy GB1 of the Non-Statutory Cherwell Local Plan and Central Government Guidance in PPG2 'Green Belts' and is therefore inappropriate development for which no very special circumstances have been put forward.
2. There are concerns about the design of the new bridge over the Tubbs Lane crossing and at Islip Mill in terms of its visual impact upon the amenities of the locality in general and impact upon the residential amenities of adjacent residential properties in terms of its size, height and appearance from those properties, and in respect of Islip Mill, the impact upon the character and appearance of the Green Belt.

3. The District Council would like to see clarity on how this proposal relates to the County Councils Integrated Transport Strategy, the Park and Ride at SW Bicester and the modal shift from Bicester North by bus to the station from all parts of Bicester and between the two stations.

179

Garage area rear of Buchanan Road, Upper Arccott

The Committee considered a report of the Head of Development Control and Major Developments for the erection of six dwellings and the demolition of garage blocks (as amended by plans received 12/02/2010).

The Committee considered the risk of flooding and also expressed concern regarding the visual appearance of the proposed development.

In reaching their decision, the Committee considered the Officers' report, presentation and written update.

Resolved

That application 10/00071/F be approved subject to the following:

- (i) Confirmation of the need or otherwise of a legal agreement regarding nomination rights and tenure mix.
- (ii) the following Conditions
 1. 1.4A - 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: Drawing no's TR291006/01, SLP02, P05, S02, S01, P01 Rev A, P02 Rev A, P08, P04 Rev A, P06 Rev A and P07 Rev A.
 3. That the dwellings hereby approved shall remain as affordable dwellings, defined as housing (either for outright sale, rent, shared equity or staircasing to full ownership) within the financial means of households that are otherwise unable to secure private sector housing for purchase or rent in prevailing economic circumstances.
 4. That the dwellings hereby approved shall be constructed to the HCA Design and Quality Standards, and to Lifetime Homes standards.
 5. 2.0A – Details of Materials and External Finishes (RC4A) insert 'new dwellings'
 6. 2.8A – Colouring: Walls etc (RC4A) insert 'render for the dwellings'
 7. 2.10A – Floor levels (RC7A)
 8. 3.0A – Submit landscaping scheme (RC10A)

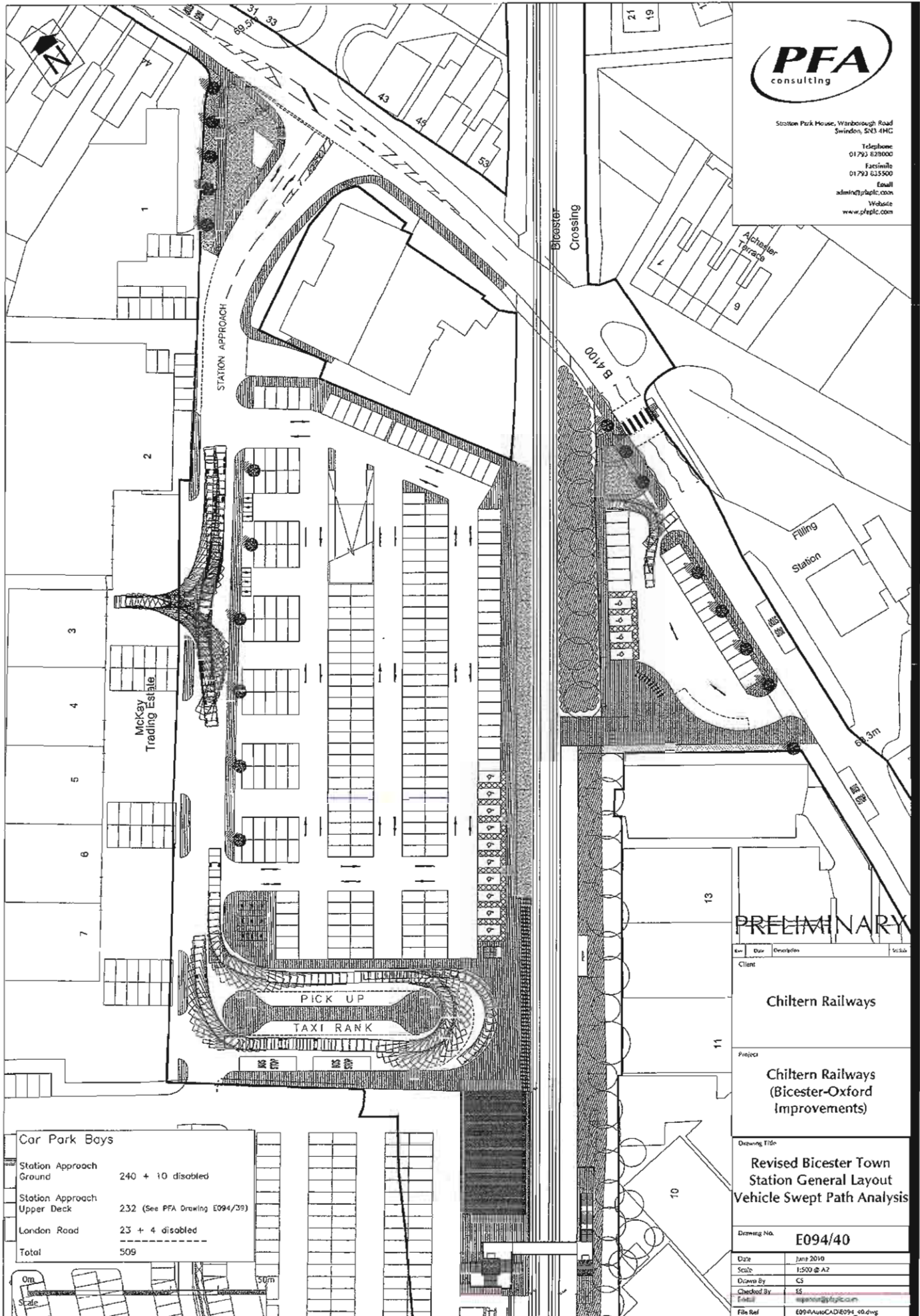
Appendix 4

PFA Consulting Drawing E094/40



Statten Park House, Warborough Road
Swindon, SN3 4HG

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Website: www.pfa.co.uk



PRELIMINARY

Rev	Date	Description	Issued
Client			
Chiltern Railways			
Project			
Chiltern Railways (Bicester-Oxford Improvements)			
Drawing Title			
Revised Bicester Town Station General Layout Vehicle Swept Path Analysis			
Drawing No.			
E094/40			
Date			
June 2010			
Scale			
1:500 @ A2			
Drawn By			
CS			
Checked By			
SS			
E-mail			
ss@pfa.co.uk			
File Ref			
E094-AutoCAD/E094_40.dwg			

Client

Chiltern Railways

Project
Chiltern Railways (Bicester-Oxford Improvements)

Drawing Title
Revised Bicester Town Station General Layout Vehicle Swept Path Analysis

Drawing No.
E094/40

Date: June 2010
Scale: 1:500 @ A2
Drawn By: CS
Checked By: SS
E-mail: ss@pfa.co.uk
File Ref: E094-AutoCAD/E094_40.dwg

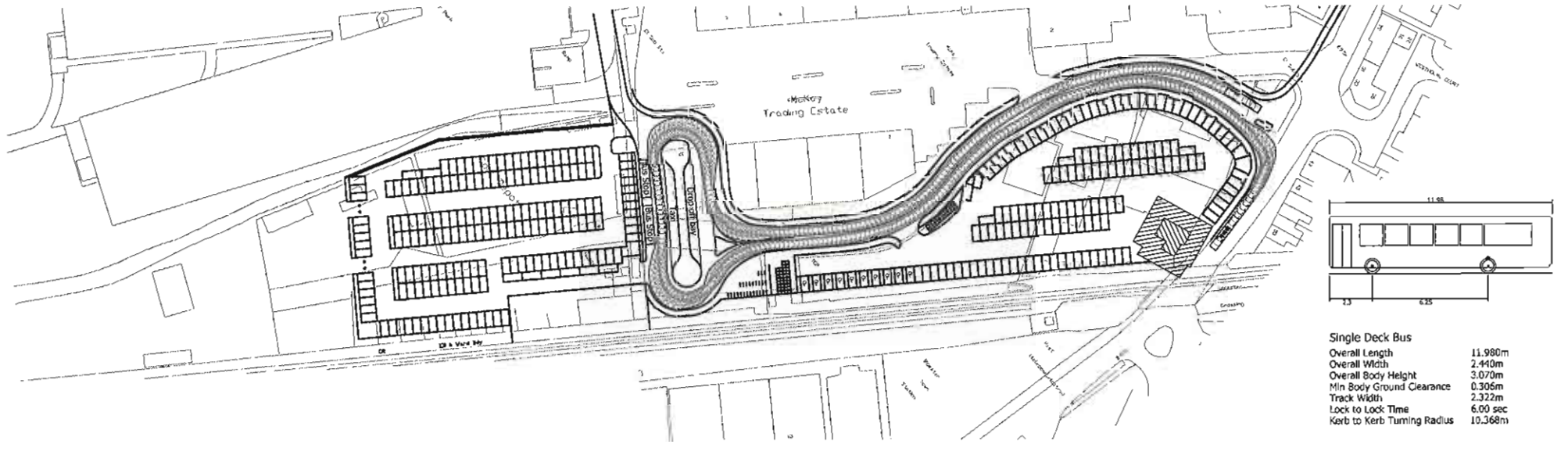
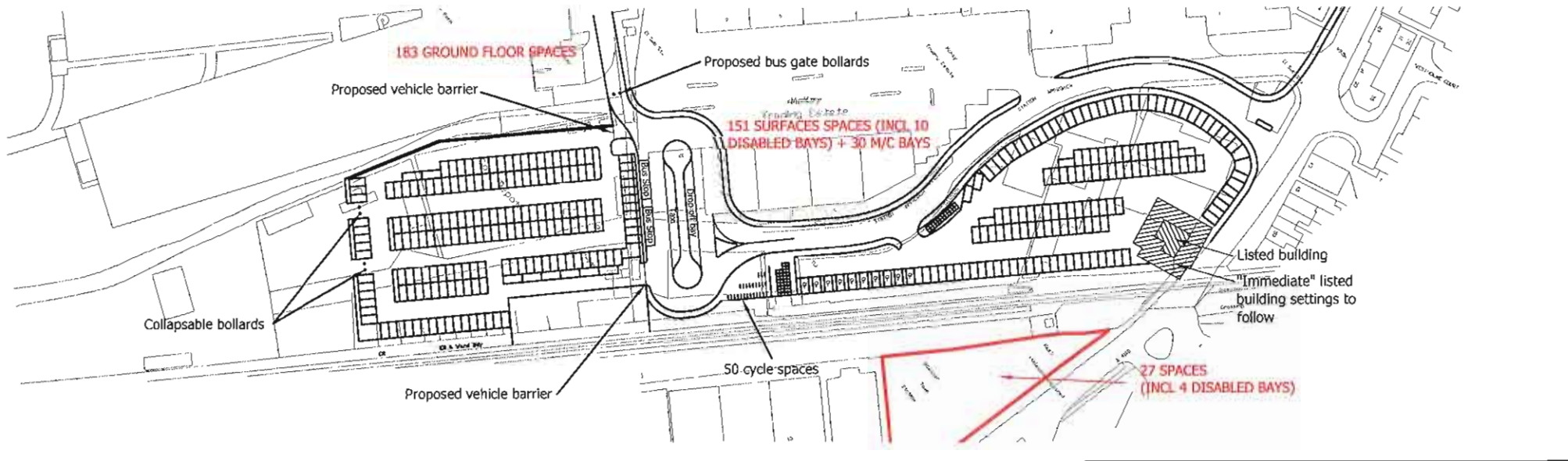
Car Park Bays

Station Approach Ground	240 + 10 disabled
Station Approach Upper Deck	232 (See PFA Drawing E094/39)
London Road	23 + 4 disabled
Total	509



Appendix 5

Mayer Brown Drawing AP4A



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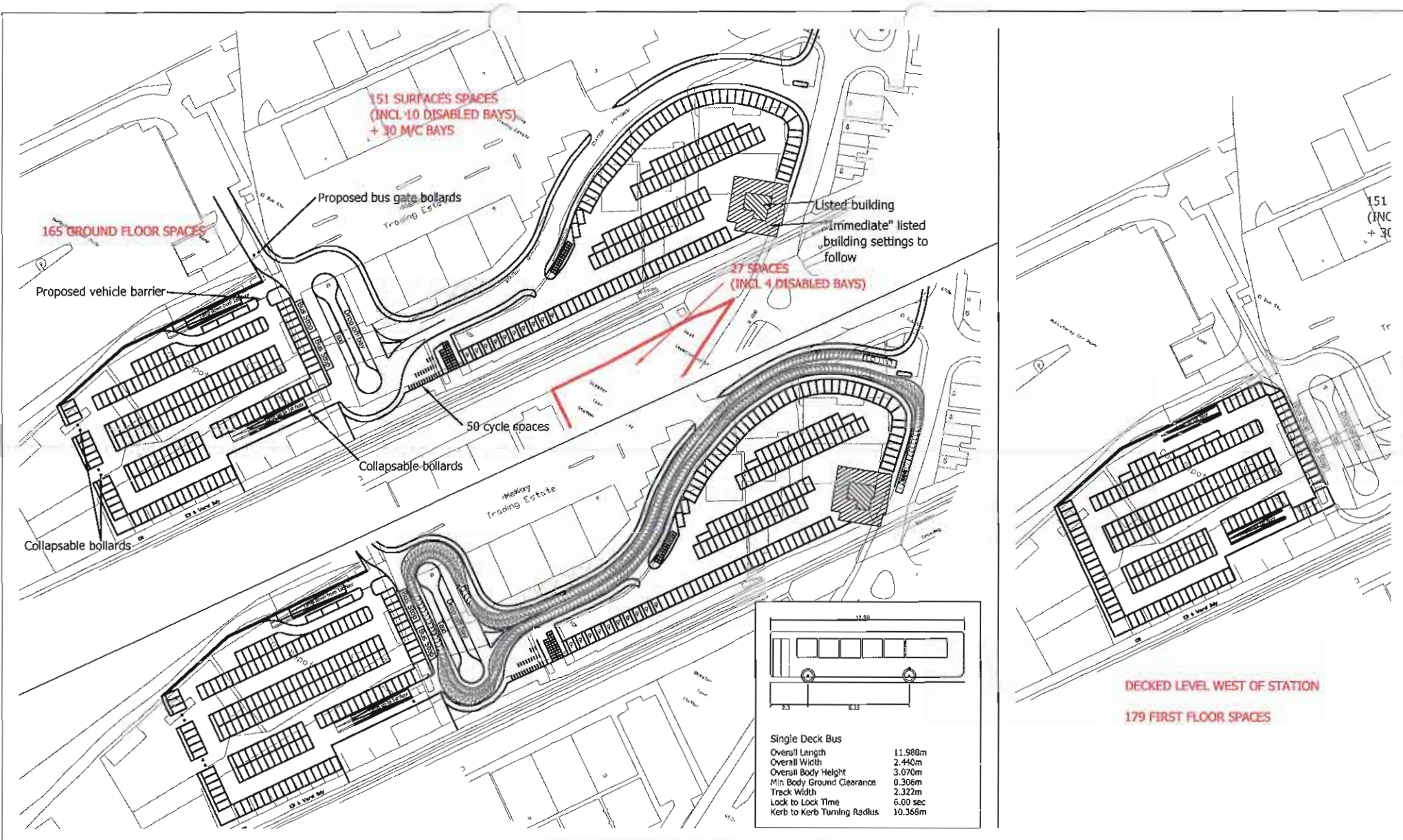


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client
McKAY SECURITIES
 project
**McKAY TRADING ESTATE,
 BICESTER**

title
**ALTERNATIVE CAR PARK OPTION - PHASE 1
 361 SPACES**

scale	1:1250 @ A3	drawn by	MP	checked by	AP
date	SEPTEMBER 2010	cad file	MASTER_OS.DWG		
drawing number	FIGURE AP4			rev.	A



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client
McKAY SECURITIES

project
**McKAY TRADING ESTATE,
 BICESTER**

title
**ALTERNATIVE CAR PARK OPTION - PHASE 2
 522 SPACES**

scale	1:1250 @ A3	drawn by	MP	checked by	AP
date	SEPTEMBER 2010	cad file	MASTER_OS.DWG		
drawing number	FIGURE AP5				rev.

Appendix 6

Policy S17 of the Non Statutory Local Plan

BICESTER TOWN RAIL STATION

S17 PROPOSALS FOR THE COMPREHENSIVE REDEVELOPMENT OF LAND ADJACENT TO BICESTER TOWN RAILWAY STATION WILL BE PERMITTED PROVIDED THAT IT COMPRISES:

- (i) RESIDENTIAL DEVELOPMENT (ACCESSED FROM PRIORY ROAD);**
- (ii) EMPLOYMENT DEVELOPMENT (ACCESSED FROM LONDON ROAD)**
- (iii) OPEN SPACE AND A FLOOD/ECOLOGICAL BUFFER ALONGSIDE PINGLE STREAM;**
- (iv) RAILWAY RELATED USES ASSOCIATED WITH THE OPERATION OF THE EXISTING STATION; AND**
- (v) PUBLIC TRANSPORT, CYCLE AND PEDESTRIAN LINKS**

PIECEMEAL PROPOSALS THAT WOULD PREJUDICE THE IMPLEMENTATION OF OVERALL STRATEGY FOR THIS AREA WILL NOT BE PERMITTED.

5.87.1 The proposed redevelopment area comprises a variety of employment uses, including a small trading estate; railway related activities, car parking and vacant land. Many of the areas within it are underused and do not constitute an effective use of a prominent site. The site generally presents a poor gateway to Bicester and there is potential to achieve significant environmental improvement.

5.87.2 The policy seeks to maximise the opportunities provided by a largely previously developed site to create new business and residential areas. These uses would be well located in terms of access to the town centre and public transport in accordance with the principles of PPG3 and PPG13.

5.87.3 Residential development will be most appropriate on the western side of the site. Housing in this location would be closest to the town centre and other residential areas off Priory Road. In view of the 'sustainability' of the location, densities in excess of 45 dwellings per hectare will not be inappropriate. A flexible approach will be taken to car parking provision due to the proximity of the Town Centre and the availability of public transport. It is envisaged that vehicular traffic will access new residential areas from Priory Road. Pedestrian and cycle links should also be provided from this area to the rail station.

5.87.4 Employment development will be limited to activities within Use Class B1 in order to avoid adverse effects upon adjacent residential areas. Employment activities would be best situated on the eastern side of the redevelopment area. This location provides convenient access to the rail station and London Road, in addition to screening housing from road and railway noise.

5.87.5 Bicester Village Factory Outlet Shopping Centre lies to the south of the redevelopment area but uses some land within it to provide overflow car parking. This area of land fulfils an occasional operational function for the retail village, but the case for a continuation this use has yet to be made. Although not referred to in the policy as one of the predominant uses proposed, the policy does not preclude the continuation of the car parking use if that is shown to be justified. However, there is scope for a rationalisation of boundaries to define a more convenient and coherent redevelopment site whilst continuing to reserve land that would enable potential future parking requirements at Bicester Village to be met.

5.87.6 Existing highway infrastructure will need to be improved to accommodate the development proposals. The junction of Station Approach and London Road, as the principal point of access to the proposed employment area will require upgrading. Commercial development will be required to comply with the provisions of Policies TR2 and TR3.

5.87.7 Land must be reserved for the construction of a road for buses only as part of a 'Green Modes Route' to be provided from the Pingle Stream Bridge at the southern end of the site, through the existing overflow car parking area to Bicester Town rail station (and on to London Road via the existing access road). This route will enable improved public transport linking the proposed South West Bicester urban extension, with Bicester Village, the rail station and the Town Centre. The route is not shown on the Proposals Map Inset 5. It will be

decided in consultation with the landowners concerned during the course of the preparation of supplementary planning guidance.

5.87.8 Development of this land provides the opportunity for strategic footpath/cycleway links to be constructed that will significantly open up the area and increase permeability in this part of the town. This would include links from the railway station to Bicester Village, London Road, Priory Road/Chapel Street and the Talisman Business Park via the existing railway underbridge. The alignment of these routes is shown on the Proposals Map. The footpath cycleway route across the railway at the Station will require the construction of a suitable bridge, which meets the requirements of the Disability Discrimination Act 1995.

5.87.9 The railway station provides a focus for public transport in this area and proposals exist to upgrade rail services in Bicester as part of the East-West Rail Link. If the frequency and quality of service to Bicester Town is to increase in the longer term, the Council considers that this must be matched by an increase in the quality of station facilities. While such improvements will be the responsibility of Network Rail, provision should be made to meet operational needs of the station such as improved car parking, interchange and bus stopping facilities in the future.

5.88 The Environment Agency will require the land liable to flood, albeit not currently shown on the official flood plain map, to be retained free of development and also a minimum of a 20m buffer to be retained adjacent to the watercourses for ecological reasons. The Council has aspirations, to facilitate the implementation of the *Urban Design Strategy* (1996), to create a ribbon of linked green spaces from Shakespeare Drive via the Pingle to Bicester Fields Park and following the course of the Langford Brook beyond. Therefore the Council will seek land adjacent to the watercourses as public open space, as indicated on the Proposals Map.

5.89 The Council will prepare supplementary planning guidance for the site to guide the detailed land use planning, transportation and design requirements.

