1. **Application Site and Locality** 
   1. The application site is located at the eastern end of Pingle Drive, south of Bicester town centre. The site is located to the north of Bicester Village retail outlet centre and is on the corner of the existing access road which serves the car parks associated with Bicester Village.
   2. There is an existing footpath which runs along the edge of Pingle Drive which also connects through the recreation ground (to the north of the site) to Old Place Yard. The application site is located over Pingle Stream and lies within Flood Zones 2 and 3.
2. **Description of Proposed Development**
   1. This application seeks permission for the construction of a pedestrian and bicycle footbridge and widening of the highway along with associated highways and landscaping works.
   2. The proposed pedestrian and cycle bridge would be located on the corner of Pingle Drive and alongside the existing vehicular bridge connecting Bicester Village to the decked northern car park and the Bicester Village railway station. The new pedestrian bridge would be constructed using timber decking and handrails which would be supported by six columns.
   3. The proposal also includes the reconfiguration of the existing vehicular bridge to accommodate an additional lane for traffic and the associated re-routing of the existing footpath/cycle way. The existing junction with Pingle Drive has one north and one south lane (the north lane splits into two slightly further to the north – alongside the coach park). Application 15/00082/F allowed an additional filter lane off of Pingle Drive and a second northbound ‘left-turn’. The proposal therefore only relates to a small stretch of road which would run parallel along the access road (as this fell outside of the redline plan for 15/00082/F).
3. **Relevant Planning History**
4. Whilst there is no relevant planning history relating to this application site, the wider Bicester Village site has an extensive planning history. There is also a current live application (16/00845/F) for a Variation of condition 2 to 15/00082/F.
5. **Publicity**
   1. The application was publicised by way of notice displayed near to the site and a press advert. No comments were raised by third parties.
6. **Response to Consultation**
   1. Bicester Town Council: No objections.
   2. Cherwell District Council Ecology:

*A watching brief by this named consultancy should be fine as is conditioning this approach. They will also need some measures in place to ensure no pollution of the watercourse during and operational phase of works (but this isn’t really my department). It would be good if they could look to include some biodiversity enhancements of this small stretch of watercourse in their plans also to get a net gain on site – this could equally be conditioned.*

* 1. Cherwell District Council Arboriculture: I have no concerns regarding the two applications - the scheme is adequately addressed through the AMS/TPP.
  2. Cherwell District Council Landscape Services: No comments received.
  3. Oxfordshire County Council Highways: No objection:

*The proposed cycle/foot bridge is simply a minor relocation of the existing shared use cycle/footway alongside the access road to the northern car parks associated with Bicester Village. The changes to the road junction already have permission courtesy of the plans for Bicester Village Phase 4.*

* 1. Environment Agency: No comments received. It was however, advised that the applicants would need to apply for an Environmental Permit. If the LPA grants planning permission (without a response from the EA) then the applicant might not be able to implement the permission if it’s not in accordance with the EA’s permitting requirements.

1. **Relevant National and Local Planning Policy and Guidance**

**Development Plan Policies**

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031.  The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

ESD1: Mitigating and Adapting to Climate Change

ESD6: Sustainable Flood Risk Management

ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

C28: Layout, design and external appearance of new development

**Other Material Planning Considerations**

National Planning Policy Framework (The Framework)

Planning Practice Guidance (NPPG)

1. **Appraisal**

The key issues for consideration in this case are:

* Visual Impact
* Highway Safety and Amenity
* Impact on Ecology
* Impact on the River and Flooding

**Visual Impact**

* 1. The proposed pedestrian and cycle bridge would be located on the corner of Pingle Drive and alongside the existing vehicular bridge connecting Bicester Village to the decked northern car park and the Bicester Village railway station. The new pedestrian bridge would be constructed using timber decking and handrails which would be supported by six columns. The design and appearance of the footbridge is considered to be in keeping with the site and the timber element is considered to be sympathetic to its setting. Furthermore, an existing footbridge is located to the south of the decked car park and was approved under application 07/02415/F. Whilst the materials for this application differ from the ones permitted under application 07/02415/F, the current proposal is of a similar nature.
  2. Overall, it is considered that the proposal would not be visually incongruous and would be in accordance with Policy C28 of the CLP 1996, Policy ESD15 of the CLP 2011-2031 and Government guidance contained within the Framework.

**Highway Safety and Amenity**

* 1. The proposal also includes the reconfiguration of the existing vehicular bridge to accommodate an additional lane for traffic and the associated re-routing of the existing footpath/cycle way. The existing junction with Pingle Drive has one north and one south lane (the north lane splits into two slightly further to the north – alongside the coach park). Application 15/00082/F allowed an additional filter lane off of Pingle Drive and a second northbound ‘left-turn’. The proposal therefore only relates to a small stretch of road which would run parallel along the access road (as this fell outside of the redline plan for 15/00082/F).
  2. Oxfordshire County Council Highways raised no objections to the proposal as it was considered that the proposed cycle/foot bridge is simply a minor relocation of the existing shared use cycle/footway alongside the access road to the northern car parks associated with Bicester Village. The changes to the road junction already have permission courtesy of the plans for Bicester Village Phase 4.
  3. Given the minor nature of the proposal and no objections received from Oxfordshire County Council Highways it is considered that the proposal would be acceptable in regard to the highway amenity/safety.

**Impact on Ecology**

* 1. Following the initial consultation with the Ecology Officer, the applicants were advised that an ecological survey would be required pre-determination, due to the presence of Otters in the locality. Because Otters are a European Protected Species, it was not considered appropriate to deal with this by way of a condition.
  2. Following receipt of additional information from the Ecology consultant on 05/07/2016, the Ecology Officer provided the following response:

*A watching brief by this named consultancy should be fine as is conditioning this approach. They will also need some measures in place to ensure no pollution of the watercourse during and operational phase of works (but this isn’t really my department). It would be good if they could look to include some biodiversity enhancements of this small stretch of watercourse in their plans also to get a net gain on site – this could equally be conditioned.*

The proposal is therefore considered to be acceptable in regard to ecology, subject to conditions.

**Impact on the River and Flooding**

* 1. Policy ESD6 of the Cherwell Local Plan 2011-2031 states that:

*The Council will manage and reduce flood risk in the District through using a sequential approach to development; locating vulnerable developments in areas at lower risk of flooding. Development proposals will be assessed according to the sequential approach and where necessary the exceptions test as set out in the NPPF and NPPG. Development will only be permitted in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of the development outweigh the risks from flooding.*

* *Site specific flood risk assessments will be required to accompany development proposals in the following situations:*
* *All development proposals located in flood zones 2 or 3*
* *Development proposals of 1 hectare or more located in flood zone 1*
* *Development sites located in an area known to have experienced flooding problems*
* *Development sites located within 9m of any watercourses.*

Furthermore it states that:

*Flood risk assessments should assess all sources of flood risk and demonstrate that:*

* *There will be no increase in surface water discharge rates or volumes during storm events up to and including the 1 in 100 year storm event with an allowance for climate change (the design storm event)*
* *Developments will not flood from surface water up to and including the design storm event or any surface water flooding beyond the 1 in 30 year storm event, up to and including the design storm event will be safely contained on site.*

*Development should be safe and remain operational (where necessary) and proposals should demonstrate that surface water will be managed effectively on site and that the development will not increase flood risk elsewhere, including sewer flooding.*

* 1. The FRA submitted with the application concluded that the proposed site is located in Flood Zone 3b and the proposed bridge is classed as ‘Water-Compatible Development’ (under PPG land use categories). It is therefore considered that this development is suitable for this flood zone.
  2. Furthermore, the FRA states that as the majority of the bridge superstructure is above the 1 in 100 year plus climate change flood level, the effect on flood storage and displacement of water will be minimal. The only structures which will be within the floodplain are the six supporting columns, which are each approximately 300mm in diameter. These columns have been located to maximise the span clearance from the main channel as far as is practical so that normal in-bank flows will be unaffected by the structure.
  3. Given that the findings of the FRA it is considered that the proposed bridge would be safe and would not pose a flood risk to surrounding areas. However, given that the Environment Agency has not responded on this application, the applicant is advised that an Environmental Permit would still be required. Should the LPA grant planning permission the applicant may not be able to implement the permission if it is not in accordance with the EA’s permitting requirements.

1. **Engagement**
   1. With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.
2. **Conclusion**
   1. The proposal is considered to respect the character and visual amenity of the site’s surroundings; respond appropriately to the site’s characteristics; not affect flooding; and would not adversely affect highway safety/amenity. The proposal would thus comply with Policies C28 of the Cherwell Local Plan 1996, Policies ESD15 and ESD6 of the Cherwell Local Plan 2011-2031 and the relevant paragraphs of the Framework.
3. **Recommendation: Approve, subject to conditions**
4. 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.

1. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings numbered:

09/068 P-301 – Site Location Plan

09/068 P-302 – Existing Plan

09/068 P-303 – Proposed Plan

09/068 P-304 – Proposed Pedestrian Bridge Sections and 3D views

09/068 P-305 – Site Location Plan

HED.979.301 – Existing Plan

HED.979.302A – Proposed Landscape Plan

16191-BT1 – Tree Protection Plan

16191-AA-PB (29 June 2016) – Arboricultrual Assessment & Method Statement

Transport Statement: T&PPB4778R001D01 Revision: 01/Final

Flood Risk Assessment: WB02669 – R003 (February 2016)

Ecology information submitted by BSG Ecology (dated 05/07/2016).

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 Government guidance contained within the National Planning Policy Framework.

1. The development shall be carried out in accordance with the recommendations contained within the Arboricultrual Assessment & Method Statement (16191-AA-PB - 29 June 2016) and Tree Protection Plan (16191-BT1).

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

1. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Statement which shall include details of the measures to be taken to ensure that construction works do not  adversely affect biodiversity with particular reference to ensuring continued access and minimising potential disturbance for Otters, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMS.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell

Local Plan and Government guidance contained within the National Planning Policy Framework.

1. A watching brief by a named Ecological Clerk of Works shall be maintained on site before and during construction to check ensure no protected species or evidence of such have moved onto the site since the previous surveys were carried out. Should any protected species evidence be found, a full survey and details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

1. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing the site for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason - To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

**STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

**Biodiversity/Protected Species**

Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.

**INFORMATIVE**

Notwithstanding the Council’s decision to approve planning permission, the applicant is advised that, to be able to carry out the works, an Environmental Permit may be required from the Environment Agency. The applicant is advised that, should the plans fail to accord with the Environment Agency’s permitting requirements, then the planning permission may not be able to be implemented.

Case Officer: Matthew Coyne DATED: 12 July 2016