East Area Planning Committee

11th May 2016

Application Number: 16/00442/RES

Decision Due by: 20th May 2016

Proposal: Reserved Matters approval for improvements to the existing

allotments and outbuilding, associated fencing, services and associated car parking together with a community garden including pedestrian and cycling links and new tree planting

and associated landscaping.

Site Address: Land West Of Barton North Of A40 And South Of Bayswater

Brook Northern By-Pass Road Wolvercote Oxford. Site

Plan at Appendix 1

Ward: Barton And Sandhills Ward

Agent: Mr Paul Comerford Applicant: Barton Oxford LLP

Recommendation:

The East Area Planning Committee is recommended to resolve to grant the reserved matters for the following reasons.

- The allotments and community garden, in combination with the new Community Hub have been designed in order that they will be accessible and available for use by residents of Barton Park development, and the existing communities neighbouring Barton Park. The new community garden and improved allotments, alongside other facilities within Barton Park such as the linear park and trim trail provide the wider community with opportunities for improving health and promoting social inclusion as components of wider regeneration promoted by Barton Park
- The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions

- 1 Watching Brief contaminated land
- 2 Verification Report contaminated land

3 Finalised Tree Protection Plan

Legal Agreement:

A legal agreement is not required to support this reserved matters as this was secured in association with the outline permission. Details of that legal agreement are contained in the Committee report for the outline application ref.: 13/01383/OUT. A Community Infrastructure Levy (CIL) payment is not required as outline planning permission was granted before the introduction of CIL in Oxford.

Principal Planning Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP9 - Creating Successful New Places

CP10 - Siting Development to Meet Functional Needs

CP11 - Landscape Design

CP22 - Contaminated Land

TR3 - Car Parking Standards

TR4 - Pedestrian & Cycle Facilities

NE15 - Loss of Trees and Hedgerows

SR8 - Protection of Allotments

Core Strategy (OCS)

CS2_ - Previously developed and greenfield land

CS3_ - Regeneration areas

CS7 - Land at Barton

CS12_ - Biodiversity

CS13_ - Supporting access to new development

CS21_ - Green spaces, leisure and sport

Barton AAP – Submission Document (BAAP)

MP1 - Model Policy

BA3_ - Allotments

BA4_ - Linear Park

BA14_ - Delivery

Other Planning Documents

National Planning Policy Framework

Planning Policy Guidance

Public Consultation by the Applicant

A Statement of Community Involvement has been submitted with this application (as part of the Planning Statement section 5) setting out the community engagement and stakeholder consultation process undertaken. Details of this can be seen at **Appendix 2**.

Public Consultation by the Local Authority

The Council's normal consultation procedure has resulted in the following comments

Statutory and Non-Statutory Consultees and Groups:

- <u>Historic England</u>: The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- <u>Thames Water</u>: The reserved matters application does not affect Thames Water and as such we have no observations to make.
- Cherwell District Council: raise no objections to the proposal

Individual Comments:

No comments have been received

BACKGROUND TO PROPOSAL

- 1. The Barton Park site is a roughly triangular tract of land to the north of the A40 ring road, west of the existing Barton residential area, and south of the Bayswater Brook. It extends to some 38 hectares (94 acres). It has mainly been used for agriculture with fields separated by unmanaged hedgerows, trees and ditches; but also including Barton Village Recreation Ground. The site surrounds but does not include a Scottish and Southern electricity substation which faces onto the A40. The land generally slopes down from south to north with the highest ground in the southeast corner. Public footpaths cross the site.
- 2. The site was identified as a strategic development site under Policy CS7 of the Core Strategy adopted in March 2011. It is an integral part of the Barton Area Action Plan (AAP) which was adopted in December 2012 and sets the spatial vision and detailed policies for development of the site, and the objectives against which the success of the Barton development would be judged:
 - delivering a strong and balanced community;
 - bringing wider regeneration of neighbouring estates;
 - improving accessibility and integration;
 - encouraging low-carbon lifestyles; and,
 - introducing design that is responsive and innovative
- 3. Within that context, outline planning permission was granted in October 2013 (13/01383/OUT) for the development of the site including:
 - up to 885 residential units which may include up to 50 units of extra care housing:
 - hotel of up to 7,350 m2 of gross floorspace or approximately 120 bedrooms, (numbers of residential units to be reduced accordingly if a hotel is included);
 - up to 2,500 m2 gross retail floorspace, consisting of a supermarket of not more than 2,000 m2 gross and additional retail units totalling not more than

500 m2:

- primary school / "community hub" building and external areas consisting of 3,000 m2 main building, multi-use games area, adult sports pitch, 2 junior sports pitches, 400 m2 equipped play area, 360 m2 community sports pavilion and associated car parking;
- linear park;
- further equipped play area ("LEAPS");
- public squares;
- additional allotment provision;
- access roads;
- pedestrian and cycle routes;
- upgraded services, including media equipment, 2 pumping stations, substations and pressure regulators;
- drainage works including water attenuation and control;
- earth works;
- removal of existing buildings and structures;
- construction of new junction with A.40;
- new telecommunications infrastructure:
- landscaping and public realm works; and
- junction works at Barton Village Road/Fettiplace Road/Harolde Close
- 4. Access from the A40 was given detailed planning permission as part of the outline permission. All other detailed aspects of the development (its appearance, landscaping, layout, and scale) were reserved for future determination through subsequent reserved matters applications (RMAs). The context and framework for consideration of the detailed design of the proposed development was however set for the subsequent RMAs and applications for conditions compliance by the Masterplan, and the approved Parameter Plans and Design Code which were approved as part of the outline permission.
- 5. An illustrative Masterplan (**Appendix 3**) accompanied the outline application. It established the strategic layout and major elements of the Barton Park scheme, and proposed three neighbourhoods of distinctive character within the scheme:
 - i. at the western end of the development around a commercial square a high density mixed use area:
 - ii. a centrally located medium density residential area with strong green connections to the Linear Park; and,
 - iii. a lower density residential interface with the existing housing in Barton, which is centred on a proposed community hub and primary school;
- 6. Six Parameter Plans were approved as part of the outline permission. In respect of the application currently under consideration for the community sports facilities parameter plan 3 is of relevance.
 - i. Parameter Plan 3 (**Appendix 4**) which indicates retained and proposed open spaces and landscape features including tree belts, greenways, recreational areas, play areas, existing and extended allotments and public squares

- 7. A Design Code was also approved as part of the outline permission. It provided detailed requirements as to how individual streets, buildings and open spaces should be laid out and landscaped, and guidance on the forms and appearance of buildings including landscaping and materials. Most of its requirements are mandatory and are expressed as minimum standards. A statement of compliance with the design code for this RMA can be seen at **Appendix 5**.
- 8. Together the Parameter Plans and Design Code seek to ensure that detailed design and implementation are based on sound principles and incorporate a range of functional requirements. They are intended to provide the means to create a successful, sustainable and attractive environment in which people can live and work. They will determine how Barton Park appears and is experienced from within the development, and also externally as part of Oxford in its wider context and setting.
- 9. Policy CS3 OCS states development proposals will be expected to retain the existing allotments and an area of public open space equivalent in area to what currently exists, and to incorporate additional publicly accessible open space and an appropriate buffer zone to Bayswater Brook and A40. This is reiterated in policy BA3 of the BAAP which states development will not be permitted on the land currently cultivated as allotments.
- 10. Just over 4 hectares of the strategic development site is legally protected allotment land. Approximately 3 hectares is let to an allotment association. The rest of the allotment land has been uncultivated for many years and is heavily overgrown.
- 11. The outline planning permission approved the retention of existing allotments measuring 2.5 ha, improvements and extended by the inclusion of a community garden to its southern side.
- 12. A full Environmental Impact Assessment (EIA) had been undertaken in support of the proposed development. The outline planning application was therefore accompanied by an Environmental Statement (ES) and the Environmental Information (EI) was taken into consideration prior to granting that permission. As a reserved matters application the Council must consider whether the EIA it already has is adequate to assess the environmental effects of the development. As the submitted EIA is recent, up to date and there have been no material changes in circumstances, it is considered that a further ES is not required.

PROPERTY HISTORY

- 13. The following applications are relevant to the site:
 - 13/01383/OUT Outline application (seeking means of access) for the erection of: A maximum of 885 residential units (Class C3); a maximum of 2,500 sqm gross Class A1, A2, A3, A4 and A5 uses (with a maximum of 2,000

sqm gross foodstore Class A1); a maximum of 50 extra care housing units; a maximum of 7,350 sqm GEA hotel (Class C1); a maximum of 3,000 sqm GEA Class D1, D2 floorspace (community hub and primary school); in development blocks ranging from 2 to 5 storeys with associated cycle and car parking, landscaping, public realm works, interim works and associated highway works. (Additional information - Landscape and Cultural Heritage Statement). PER 18th October 2013.

- 14/03201/RES Details of reserved matters (layout, scale, appearance and landscaping) for a scheme of Enabling Infrastructure Works (such as utility services, earthworks, drainage/attenuation and roadworks), pursuant to conditions 3 and 4 of the outline planning permission for the mainly residential development of the site (13/01383/OUT). More specifically these works comprise:-
 - a) the primary street, street furniture, on-street parking, street lighting, surface water drainage swales, associated landscaping and surface finishes;
 - b) green infrastructure, the linear park, greenways, hard and soft landscaping, footpaths, cycle paths and ecological improvements;
 - c) landscaping details for the approved A40 junction;
 - d) buried services and utilities, foul and surface water drainage, water channels, ponds, sustainable urban drainage systems and underground storage tanks.

This reserved matters application (14/03201/RES) is accompanied by the following additional submissions in relation to conditions and non-material amendments to the above mentioned outline permission:-

- i. condition 11 tree protection (13/01383/CND2);
- ii. conditions 24 site-wide surface water drainage scheme (13/01383/CND3);
- iii. condition 25 enabling infrastructure phased surface water drainage system (13/01383/CND2);
- iv. condition 26 site-wide foul water drainage strategy (13/01383/CND3); and,
- v. non-material amendments to approved A40 junction e.g. omission of splitter island (13/01383/NMA).. PER 23rd February 2015.
- 15/03642/RES 15/03642/RES Details of reserved matters (layout, scale, appearance and landscaping) for the first phase of the Barton Park development, pursuant to Condition 3 of outline planning permission 13/01383/OUT. The works comprise the construction of 237 residential units (Class C3) with associated means of access and highways works; car and cycle parking; hard and soft landscaping; public realm works and ancillary structures. (Amended plan). PER 10th March 2016.
- 16/00067/RES Details of reserved matters (access, appearance, landscaping, layout and scale) for the community sports facilities comprising a relocated natural turf adult sports pitch, multi-use games arena, 3G pitch lit by 12 x 10m light columns and a natural turf pitch adjoining the community hub, along with associated car parking, fencing, and vehicular and pedestrian access together with locally equipped area of play.. PER 13th April 2016.

OFFICERS ASSESSMENT:

The Proposal

14. The proposals now before the Committee for determination is the fourth reserved matters application on the site seeking approval for details of reserved matters (layout, scale, appearance and landscaping) for the existing allotments located in the south east corner of the site which also includes an area of uncultivated land to the south of the allotments which will be designed to create a community garden pursuant to Condition 3 of outline planning permission 13/01383/OUT.

15. The application includes:

- Improvements to the existing allotments
- Refurbishment of the existing allotment outbuilding, including provision of foul drainage and LV electrical services to the outbuilding
- New tree planting and landscaping, including drainage
- Replacement fencing
- New car parking associated with the allotments
- Improvements to a section of the existing footpath along the A40
- New pedestrian and cycle links in the form of new footpaths and cycleway
- New community garden including new tree planting and associated landscaping
- Street furniture including benches, bins and trim trial equipment
- Bridge structure to provide access over existing ditch into a future development parcel (Phase 3A) and Barton

Determining Issues

16. Whether the proposals meet the vision and objectives for the Barton Park development as expressed in the Core Strategy, the Barton AAP, and the outline permission together with the Masterplan, Parameter Plans and Design Code.

Assessment

Layout, Scale and Appearance

- 17. The allotment improvements form part of the wider open space strategy and complement the other community spaces and informal recreation to be provided within the linear park and greenways. The community garden is a continuation of these principles and helps to link the allotments with the wider open space infrastructure.
- 18. This application will help to re-establish the allotments as an important local amenity space, which will be enhanced to provide better facilities and an improved setting within the new development. The community garden is currently an area of uncultivated land, that once restored will provide an

- important link between the existing Barton community and the new neighbourhood.
- 19. The layout of the site itself has been designed around creating safe and secure footpaths through the site; linking the residential neighbourhoods with the proposed allotments and community garden
- 20. The footpaths will provide for convenient links within Barton Park and to the wider community. A shared cycleway and footpath is proposed east to west through the centre of the community garden, linking Barton to the east to the Linear Park and new development in the west. Access between the community garden and allotments will also be facilitated by extending the existing tree lined avenue in the allotments further south to join the east-west linkage through the community garden. The existing allotment access to the north of the proposed development which currently provides access to Barton will also provide a new pedestrian and cycle link into a future development parcel north of the proposed development and the wider Barton Park community.
- 21. In terms of appearance there is a limited pallete of materials to be used and these can be seen at **Appendix 6**. A 1.8m high weld mesh fence is proposed around the allotments with vehicular and pedestrian access gates (the existing 1.8m high palisade security fencing on the east and west boundaries is to be retained); a free draining reinforced compacted angular limestone is to be used for the car park surface; crushed limestone and compacted limestone is to be used for the shared cycle and pedestrian paths; hardwood timber furniture is to be used within the community garden. All proposed materials are in keeping with the design code and are considered to be acceptable.
- 22. Improved and new facilities within the existing allotment hut could include:
 - Remove of asbestos roof and replaced with metal sheet cladding
 - Replace rainwater goods and repair timber lean-to
 - Repair damaged brickwork
 - New roof lights
 - Photovoltaic panels
 - Outdoor sink
 - New window/grills and doors
 - New toilet (potentially composting)
 - Lighting and power sockets

The final decision as to what works will be carried out is to be left with the allotment association in conjunction with the applicant.

Landscaping

23. A key part of this RMA application is to restore an area of uncultivated land south of the allotments to provide an area of amenity space, which will complete the open space strategy for Barton Park. Existing landscape features, that define the character of this space have been retained and

enhanced as part of the proposals such as the avenue of mature apple trees. New fruiting trees and hedgerows, wildflower meadows and native shrub planting will provide opportunities for improved habitats and increased biodiversity value. Natural play areas, trim trail equipment and picnic benches within the community garden will provide opportunities for social interaction and interest.

- 24. The key landscape components of the community garden include:
 - Access to the allotments, existing footpath network and the new development areas and wider landscape infrastructure including a bridge crossing
 - 2.5m wide cycleway / footpath
 - Trim trail equipment
 - Street furniture including bins, signage and seating
 - Picnic area
 - New fruiting trees and hedgerows
 - Wildflower meadows and long grassland to create habitat areas
 - Natural play areas
- 25. The new tree and shrub planting in the community garden will be incorporated into a wider landscape infrastructure, including fruiting trees, wildflower meadows and natural play areas.
- 26. The improved allotments will also be surrounded by new fencing and landscaping. New tree planting will also strengthen the existing tree lined avenue. The landscaping and linkages will create a pleasant environment for all to use.
- 27. The proposals include the removal 4 individual trees and 4 part tree groups within the community garden area. Officers concur with the Arboricultural Report and Arboricultural Method Statement (AMS) that the tree removals will not be significantly detrimental to public amenity in the area. Officers are also satisfied the impacts on existing trees have been adequately identified are satisfied that if the special precautions recommended in the AMS are followed and the trees are robustly protected that there will not be a significant detrimental impact on public amenity arising. The submitted Tree Protection Plan is in draft form therefore a condition will be added for a final tree protection plan being submitted for approval before works start.

Other Issues

Access and Parking

28. A Transport Statement and Travel Plan were prepared in support of the original outline application. These identified means to reduce reliance on the private car in favour of walking, cycling and public transport. The RMA seeks to contribute to maximising the use of sustainable transport modes through a combination of methods including the provision of appropriate on-site car parking for the allotments, and the provision of new pedestrian and cycle paths.

- 29. There is little or no car parking at the existing allotments; currently; parking happens haphazardly. A new dedicated parking area providing up to 12 car parking spaces is proposed. Whilst the new car parking area will not provide marked parking bays, the area measuring approximately 30m by 11m provides 11 spaces plus space for a disabled bay and storage area. The allotment association decided that 12 spaces was adequate for their needs.
- 30. There is no formal cycle parking proposed. Currently any plot holders who cycles to the allotment cycle directly to their plot. The allotment association decided that this arrangement works well hence no formal dedicated cycle parking area.
- 31. The new fence to the north of the allotment site will incorporate replacement gates for vehicle access and in addition provide a new pedestrian gate at the north east corner. On-site parking will be controlled through the use of gates at the entrance to the allotments, and shall be available for the exclusive use of the allotments. The access arrangements to the allotments will not change from what currently exists. Further pedestrian access to the allotments will be provided through a pedestrian gate located in the north-east corner and another gate to the south of the allotments, linking to the community garden.
- 32. The existing vehicular access road from Barton Village Road to the allotment site will be retained until the future development parcel to the north incorporates the access route via a new junction layout and tertiary street.
- 33. The community garden will be for pedestrians and cycles only with a 2.5m wide path. There are three access points in addition to the secure gated entrance to the allotments, which are connected by the east-west footpath and cycle way. In the east the path forks, with one path connecting to Barton Village and Harolde Close through the proposed Nature Park Site, and the other path will connect to the existing footpath along the A40. To the west of the community garden, the footpath links into the Linear Park and future development parcels.
- 34. Approximately 150m of the existing tarmac footpath along the A40 will be widened to 2.5m and re-surfaced to provide an enhanced and easily accessible route from Barton to the community garden and allotments
- 35. Access to the small development parcel to the east will be via a new 14m span cycle/foot bridge over an existing ditch. Fixed bollards will be used to deter vehicle access over the bridge. The bridge will be of a timber construction with a 1.4m high timber balustrade. The use of timber for the bridge is considered to be appropriate for the verdant nature of the community park.
- 36. The community gardens are located on higher land. The existing gradients across the site vary creating some areas with steeper gradients. Without having a significant impact on existing trees, the existing ground levels will be re-profiled in isolated areas to provide footpath levels achieving a maximum of

1:12. Where the gradients are stepper than 1:15, level sections along the footpath will be provided to help less able users navigate the route.

Ecology/Biodiversity

37. Officers have reviewed documents submitted with the application and in terms of ecology have no concerns about the proposed. There is however a great opportunity to benefit hedgehogs by adding small gaps at the bottom of the very extensive fencing proposed. The gaps need only be 13x13cm or 5 inches square and should be placed at regular intervals. This is likely to provide significant biodiversity benefit, whilst not negatively impacting or compromising the function of the fence. Officers recommend that this is added as an informative.

Land Quality

38. Condition 28 (Contaminated Land) of Planning Permission 13/01383/OUT was discharged subject to the requirement that each developer submit a verification report to the LPA for approval which will provide validation that the remediation undertaken was in accordance with the approved "Remediation Method Statement, Barton Park" (report ref: 11501549/06 Rev. 5.4 dated July 2015). In order to secure these verification reports and in the event of unexpected contamination, officers recommend that are placed on the reserved matters planning permission seeking a verification report and a watching brief be carried out.

Conclusion:

- 39. The community garden and allotments have been designed in accordance with the approved documents and plans submitted with the outline application, including the parameter plans, design and access statement and design code.
- 40. Members are recommended to approve the reserved matters application

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant reserved matters, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

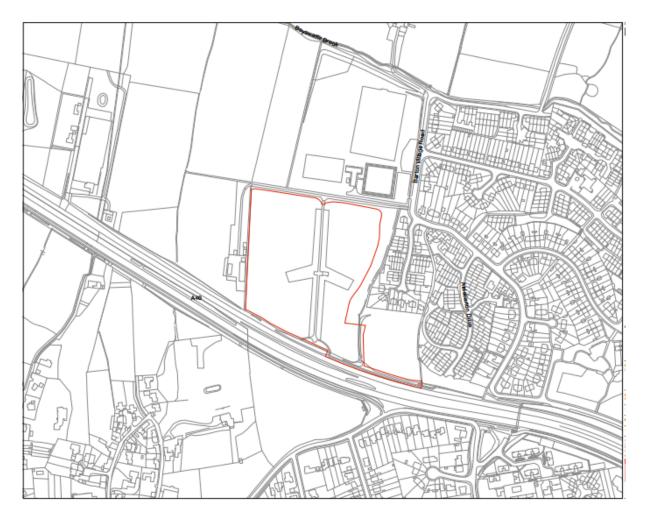
Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant reserved matters, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

Contact Officer: Lisa Green

Extension: 2614 Date: 27th April 2016

Appendix 1 Site Location Plan





Application Boundary

5. Consultation and Engagement – Statement of Community Involvement

5.1 This Statement of Community Involvement (SCI) sets out the community engagement and stakeholder consultation undertaken to inform the proposals forming this submission.

5.2 Consultation has included:

- Pre-application discussions with Officers at Oxford City Council and Oxfordshire County Council.
- Member Briefing of 3rd December 2015.
- Liaison with Stuart Fitzsimmons at Oxford City Council.

5.3 Community Engagement including:

- A public consultation event at the Barton Neighbourhood Centre on December 5th 2015;
- Meetings with the Barton Allotment Association
- Meetings with the Phoenix Sports Association
- Meetings with Barton Integration and Community Engagement Partnership Posters on display at the Barton Neighbourhood Centre and at the site notice on Barton Village Road
- Material on the Barton Park website advertising the events and providing plans.
- 5.4 The public consultation event was publicised by the distribution of 2600 flyers providing a project update and inviting residents of Barton and Northway to the event at the Barton Neighbourhood Centre. Over 30 attendees visited the exhibition and discussed proposals with the team. Comments from the consultation event included:
 - Ensure fencing provides security for the allotments
 - Good to see the works to the existing tree avenue in the allotments but management of the new trees will be needed
 - Loss of the blackberry hedge a concern
 - Please to see green spaces growing as these spaces are important for Barton, support the allotments being kept and improved.
- 5.5 Constructive feedback and key comments received have influenced the submitted proposed development and how the design has evolved to respond to the views expressed through the stakeholder engagement.

Barton Allotment Association

- 5.6 There has been comprehensive consultation undertaken with the Allotment Association. The proposals for this Reserved Matters Application were presented to the Association in November 2015. The Association were supportive of the proposals and provided constructive feedback which has been addressed in the proposed scheme design.
- 5.7 The key areas for discussion with the Allotment Association included:
 - Need for and type of improvements for the allotment shed
 - Need for a new car park
 - Improvements to the avenue of trees
 - Fencing

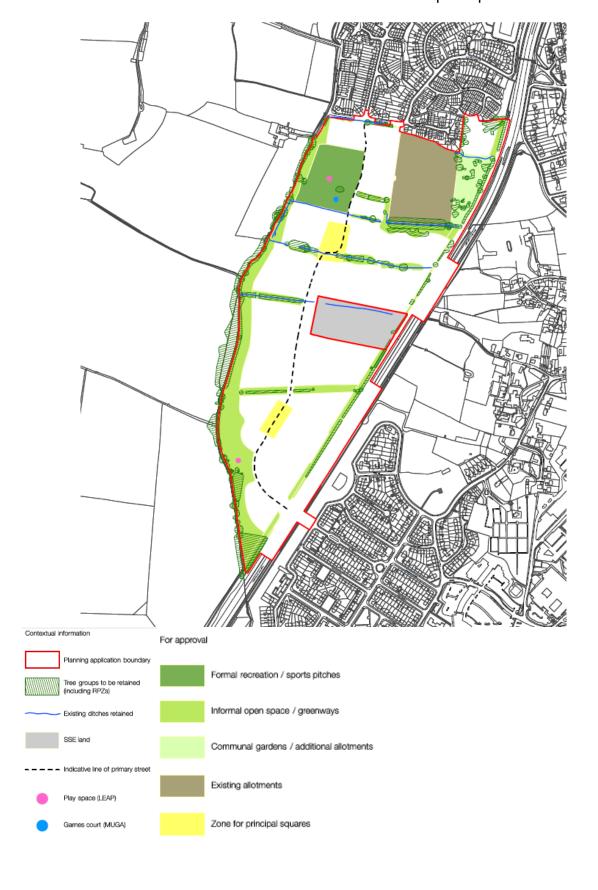
Oxfordshire County Council

- 5.8 As part of the design development of the proposals meetings with Oxfordshire County Council have focussed on the design and access arrangements for the site. Key issues raised and addressed have included
 - Pedestrian and vehicular access;
 - Access:
 - Fencing arrangements;
 - Car parking dimensions.

Appendix 3 Illustrative Master Plan



Appendix 4 Parameter Plan 3 Open Space and Landscape



Appendix 5 Summary of Compliance with the Design Code

DESIGN CODE ITEM	DETAILS	SCHEME COMPLIANCE	IF NON-COMPLIANCE - REASONS FOR CHANGE
Fixed elements p13, figures 9.5 & 9.6	Green infrastructure Important connections & routes	•	
Semi natural landscape p14 and p15	Site wide green infrastructure coding	•	
Movement strategy p16, figure 9.8	Maximise the opportunity for residents to walk and cycle	•	
Proposed planting and street trees p30 and p31	Native species will be used throughout the site using locally prevalent species	>	Tree and shrub planting supplements the approved linear park / greenway design / plant species

Appendix 6 Materials

