

East Area Planning Committee

6th July 2016

Application Number: 16/01320/CT3

Decision Due by: 11th August 2016

Proposal: Phase 1 of the Northway and Marston Flood Alleviation Scheme including installation of landscape bunds at Northway Community Field to create flood storage area, road re-profiling at Westlands Drive and Saxon Way and flood resilience measures at Oxford Boxing Academy. (Amended plans)

Site Address: Northway Sports Ground, Maltfield Road – see **Appendix 1**

Ward: Headington Hill And Northway Ward

Agent: Mrs Natalie Durney-Knight **Applicant** Oxford City Council
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Recommendation:

Officers recommend that the East Area Planning Committee, subject to notification to the Secretary of State and the application not being called in, grants planning permission subject to the conditions listed.

Reasons for Approval

- 1 The proposal is considered to bring significant public benefit by reducing vulnerability and increasing resilience to known flooding events in the Northway and Marston area. Overall, the landscape proposals are considered to make a positive contribution to the area and the loss of trees can be mitigated through replacement planting. The loss of one of the two football pitches is considered acceptable in view of the overall improvements to the pitch drainage, other pitch facilities available in the area and in view of the overall benefit of the flood alleviation scheme. As such, the proposal is considered to comply with the relevant local and national planning policies.
- 2 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 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 SuDS drainage
- 4 Details of outlet infrastructure
- 5 Landscape plan required
- 6 Landscape – carry out by completion
- 7 Landscape hard surface design - tree roots
- 8 Landscape underground services - tree roots
- 9 Tree Protection Plan (TPP) 1
- 10 Arboricultural Method Statement (AMS) 1
- 11 Conservation of habitats and species
- 12 Bird and bat boxes
- 13 Removal of vegetation
- 14 Table ramp details - new gradient
- 15 Construction Travel Management Plan
- 16 Materials management plan
- 17 Watching brief - contamination
- 18 Archaeology

Principal Planning Policies

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- CP22** - Contaminated Land
- SR2** - Protection of Open Air Sports Facilities
- SR5** - Protection of Public Open Space
- NE11** - Land Drainage & River Engineering Works
- NE15** - Loss of Trees and Hedgerows
- NE21** - Species Protection
- HE2** - Archaeology

Core Strategy

- CS11_** - Flooding
- CS12_** - Biodiversity
- CS18_** - Urban design, town character, historic environment
- CS19_** - Community safety
- CS21_** - Green spaces, leisure and sport

Public Consultation

Statutory Consultees

- Oxfordshire County Council (Transport)

No objection, subject to conditions

- Oxfordshire County Council (Ecology)

No objection, subject to conditions. Seek advice of Oxford City Council in-house ecologist.

- Oxfordshire County Council (Lead Local Flood Authority)

No objection

- Thames Water Utilities Limited

No objection

- Sport England

Objection due to the loss of one playing pitch. The application is therefore not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF.

At the time of publication of this report, it is understood that Sport England intends to withdraw this objection. This will be updated verbally at Committee.

- Natural England

Natural England does not consider that this application poses any likely or significant risk to those features of the natural environment for which we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.

Pre-application consultations by applicant

The applicant has held three exhibition events as well as some informal engagement. Key primary stakeholders who have been engaged with include:

- Local residents and business owners;
- Oxford Boxing Academy;
- Northway Community Playing Field users;
- Oxford City Council elected members;
- Oxford Local Enterprise Partnership;
- Oxfordshire County Council;
- Environment Agency;
- Natural England;
- Thames Water;
- Sport England; and
- Local Planning Authority officials (Ecology, Tree, Archaeology, and Planning

officers).

Wider audiences have also been engaged in the design process including:

- General public;
- Resident groups including Northway Community Association, Northway Social Club and Old Marston Parish Council;
- Local community groups, including Thames Valley Environmental Records Centre, Oxfordshire Bat Group, OXRAD, Oxford City Football Club, Oxfordshire Netball Development Body, Oxford
- Green & Blue Space Network, Oxford Area Flood Partnership;
- Housing Associations (GreenSquare); and
- Principal Contractor for construction (Oxford Direct Services).

Third parties

No comments received

Officers assessment:

Background to proposals

1. The application site includes Northway Community Field, Oxford Boxing Academy on Saxon Way, and the junction of Saxon Way and Westlands Drive. The Community Field is used as open recreation space and has two football pitches, a play area and a Multi-Use Games Area (MUGA).
2. The proposal is for a flood alleviation scheme (FAS) to manage the fluvial and surface water flooding that results from out-of-bank overland flows from the Headington Hill Tributary. It is an Oxford City Council scheme with funding from Oxfordshire Local Enterprise Partnership Local Growth Fund, from grants administered by the Environmental Agency and from Oxford City Council capital.
3. The scheme under consideration is Phase 1 of a two-phased development. Phase 2 will address flows originating from Peasmoor Brook. Together, the two phases of the FAS aim to reduce the flood risk for 110 properties as well as for infrastructure in the immediate area.
4. The scheme is made up of the following elements:
 - The remodelling of the ground within the playing field to allow for 8400m³ of flood water storage, including the introduction of bunds (linear landscaped embankments) up to 1.7m above existing ground level;
 - Tree planting along the bund closest to Dora Carr Close and the introduction of a footpath along this bund;
 - Re-profiling a section of Westlands Drive and Saxon Way and the introduction of two table ramps on Westlands Drive;
 - Flood alleviation works at Oxford Boxing Academy, Saxon Way.

5. These measures would redirect out-of-bank flows from Headington Hill Tributary, store the flood water within the bunds enclosing the playing fields and finally discharge the excess water into the existing drainage network.
6. The north-west boundary of the site, closest to Dora Carr Close, is shared with that of the approved housing and community centre scheme for Northway – planning reference 12/03280/FUL. This development is now under construction by Green Square Group. Discussions have been held with Green Square Group and an agreement has been reached on the treatment of the shared boundary, should permission be granted for Phase 1 of the FAS.
7. The two main interdependencies between the two developments are:
 - the flood mitigation bund;
 - the landscaping proposal along the boundary, including ensuring Disability Discrimination Act (DDA) compliant access from the Dora Carr Close development site onto the field is achieved.
8. The Green Square permission includes a low bund along the site boundary and this will be installed as approved. This smaller bund will then be incorporated into the FAS development's larger bund at this boundary, should permission be granted. It has been agreed that the smaller bund will be constructed in a way that can be effectively incorporated into the larger bund.
9. If permission for the FAS is granted, and subject to the approval of an appropriate variation approval to the Green Square scheme, 12/03280/FUL, the DDA-compliant access onto the field would not be provided by Green Square, but through the FAS development.
10. Amended plans that incorporate the recommendations of the Arboricultural Impact Assessment and that clarify the treatment of the silver birch trees on Westlands Drive were received during the course of this planning application.

Officers consider the principal determining issues to be:

- Principle of development
- Flooding and drainage
- Visual impact of development
- Trees and landscaping
- Impact on public space and recreational facilities
- Biodiversity
- Highways and transport
- Other matters

Principle of development

11. The National Planning Policy Framework (NPPF) requires planning authorities to help meet the challenge of climate change and flooding. Minimising

vulnerability and providing resilience are central to sustainable development. Policy CS11 of the Oxford Core Strategy 2026 seeks to increase resilience to flooding in the city and reduce flood risk.

12. The development seeks to alleviate a known flooding problem in the Northway and Marston area. This principle is consistent with the aims of the NPPF and policy CS11.

Flooding and drainage

13. A Flood Risk Assessment has been submitted with the application as well as a Drainage Technical Note.
14. The site is located in Environment Agency (EA) Flood Zone 1 and is therefore at low risk from fluvial flooding. However, both Oxford City Council's Strategic Flood Risk Assessment and the Environment Agency's flood maps show different areas of the playing field to be at risk of surface water flooding. The proposal is for flood control infrastructure which is considered water-compatible development, and this is suitable development in all EA Flood Zones.
15. There is a known history of flash flooding in Northway and Marston after periods of heavy rainfall, with records indicating notable events occurring in 2005, 2007 and 2012. The areas surrounding Stockleys Road, Maltfield Road and Westlands Drive have experienced the greatest impact.
16. Various options for the FAS were considered. The option for which planning permission is hereby sought is the EA's preferred option and was granted technical approval by the EA in 2015.
17. The proposed scheme would redirect out-of-bank flows from Headington Hill Tributary, by directing the water flow through the hard surfaced area below the Boxing Academy, which would be protected by flood alleviation works to the building. The flow would then be directed down Saxon Way and north-east along Westlands Drive by the higher kerbs and two table ramps. The water would pass through a spillway opening into the playing field from Westlands Drive. The water would be held within the remodelled playing field, enclosed by the bunds around the field, until there is capacity to drain the water through the culvert in the north-eastern corner of the field and into the existing drainage network.
18. The very nature of the development means that it will introduce a risk of the storage area overtopping (overspilling). This risk of overtopping is considered to be low and would be managed through the incorporation of a controlled spillway away from property in the western corner of the site which would direct flows into the historic watercourse, Peasmoor Piece.
19. Officers and the Lead Local Flood Authority are satisfied with the details provided with the application and consider that the scheme will achieve its objective of attenuating flood risk in accordance with policy CS11 of the

Oxford Core Strategy 2011-2016. There are a few final design details yet to be provided in relation to flood risk and drainage and it is recommended that these are required by condition.

Visual impact of development

20. The proposal includes remodelling of the land form within and around the perimeter of the playing field. This will result in the land being inclined towards Westlands Drive so that the land immediately inside the Westlands Drive edge of the playing fields will be lower than at present. There will be low bunding along the Maltfield Road boundary of the field to a maximum height of 300mm. These changes are not considered to have a significant or harmful effect on the street scene or on views into the playing fields.
21. The bunding along the boundary with the Dora Carr Close development will have a maximum height of 1.7m above existing ground level. Lower bunds have been approved as part of the Dora Carr Close scheme, and the higher bunds in this location are clearly a necessary part of the flood storage area of the FAS. A new footpath along the bunding between the field and the Dora Carr Close is proposed as well as tree and wildflower planting; these measures are considered to mitigate the new landform by providing visual interest and additional facilities for users of the site. This will integrate with the landscaping approved under the Dora Carr Close scheme and will not have a detrimental effect on future users of the development. Taking this into account, officers consider that the higher bunding and associated landscaping, subject to some revisions discussed in the 'Trees and landscaping' section below, is acceptable in terms of its visual impact in the street scene and for neighbouring properties.
22. The experience of users of the playing fields will alter, by being surrounded by bunds. However, the low height of the bunds along the majority of the boundary and the general open nature of the field, means that this is not considered to be a harmful change.
23. The highway alterations to Westlands Drive will have the appearance of traffic calming measures and as such are not considered to be incongruous additions.
24. Overall, officers consider that the proposed remodelling of the ground is an appropriate response to the site and surroundings and the particular challenges of creating an effective FAS.

Trees and landscaping

25. Wildflower planting is proposed along the bunds as well as a new footpath along the bund forming the north-west edge of the flood storage area. This is considered to soften and make a positive contribution to the landscape.
26. The proposal includes new tree planting along the higher bund adjoining Dora Carr Close. While planting of new trees is welcome for the amenity benefits

that will accrue from the additional canopy cover, the planting of extra heavy standard sized nursery stock on top of the bund might draw attention to the unnatural landform rather than help integrate it into the wider surroundings as intended. Also, the advanced sized nursery stock will have significant after-care requirements to ensure successful establishment. Using multi-stemmed or half standard form trees of smaller nursery stock might be more successful in landscape design and plant establishment terms. A condition is therefore recommended to require a revised landscape proposal to be submitted incorporating such revisions.

27. The proposals include the removal of two existing silver birch trees, with two additional silver birch trees potentially needing to be removed to accommodate the table ramps along Westlands Drive. These trees form part of an avenue of trees outside the parade of shops on Westlands Drive and make a positive contribution to the street scene. The significant crown reduction pruning of a large Aspen is also proposed on Westlands Drive. The removal and pruning of these visually prominent roadside and street trees would have a detrimental impact on public visual amenity in public views along Westlands Drive, but replacement planting is proposed for the four silver birch trees.
28. The originally submitted proposal included construction activity within the Root Protection Areas of several retained trees along Maltfield Road, Westfield Road and in the western corner of the site. Amended plans have been submitted to remove the need for this in order to protect the trees.
29. Notwithstanding the loss of trees, officers consider that the overall landscape proposal will integrate well with the character of the area and make a positive contribution in terms of landscape treatment. The loss of the trees along Westlands Drive is regrettable, but this is considered to be outweighed by the overall public benefits of the FAS. The harm caused by the loss of the trees can be mitigated by replacement planting, to be secured by condition, and so the scheme is considered supportable in arboricultural terms. The proposal is therefore considered to comply with policies CP11 and NE15 of the Oxford Local Plan 2001-2016.

Impact on public space and recreational facilities

30. The playing fields and open space within the site are protected under policies SR2 and SR5 of the Oxford Local Plan 2001-2016, and CS20 and CS21 of the Core Strategy 2026. Paragraph 74 of the National Planning Policy Framework states that:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a*

suitable location; or

- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

31. The area of playing fields would be retained and so there will be no loss of open space. However, the two existing football pitches (60 x 90m and 50 x 90m) would be replaced with a single, Football Association (FA) compliant football pitch (100 x 64m). There would be improvements made to the efficiency of the drainage to the pitch, which would increase drying times after a flood event and improve the overall quality of the pitch.
32. Sport England has objected to the proposal due to the loss of one pitch. Oxford City Council's Leisure and Parks officers have confirmed that, although there are two pitches available, they are very rarely both used at one time. In fact, on only two occasions in the last three years has Northway Sports Ground had two games taking place at the same time, and the second pitch has not been used at all in the last season.
33. Oxford City Council's Playing Pitch and Outdoor Strategy 2012-2026 indicates that there is spare capacity within the city and particularly in the north-east area with adult football pitch provision. The adjacent playing pitch provision at nearby Court Place Farm has two adult, one 9v9 and two 7v7 pitches as well as a full size artificial pitch. It is recognised that the proposed pitch could be marked out for junior games to give flexibility, which in turn would mitigate the loss of the smaller pitch.
34. Officers do not consider that the change from two pitches to one pitch will reduce opportunities for pitch sports on the site given current usage and the possibility of junior markings, and consider the proposal for an FA-compliant pitch with improved drainage to be better quality provision.
35. Officers recognise the objection from Sport England but do not feel this is sufficient to warrant refusal of a proposal that will bring significant public benefit. Pitch provision in the areas indicates that the second pitch, which is proposed to be removed, would be surplus to requirements, in line with the NPPF.
36. Both the MUGA and children's playing area are to be retained with some of the children's play equipment being relocated within the play area.
37. There is an obvious impact on the recreation facilities in that the field will, during flood events, become a flood storage area. The whole pitch will only be under water for the most extreme flood events, while during less extreme events, only the south-east side of the field, away from the proposed pitch, will flood. It is anticipated that flood water stored on the playing fields would drain away within 12 hours, even during the highest impact events when the pitch is unlikely to be in use. The occasional use of the site for flood storage is therefore not considered to impact use of the playing field.
38. The proposals, overall, are considered to improve the public open space and

the quality of recreational facilities, while the loss of one pitch is considered acceptable in view of the available facilities in the area and the wider benefits of the FAS.

- 39. If the Committee wishes to approve this application, due to the objection raised by Sport England, the local planning authority must notify the Secretary of State who may or may not call the application in.
- 40. At the time of publication of this report, it is understood that Sport England intends to withdraw their objection. This will be updated verbally at Committee.

Biodiversity

- 41. The Dora Carr Close development currently under construction includes a pond and wetland area providing a habitat for newts. Great Crested Newts are unlikely to be permanently present on this application's site, however, there is potential that they use the site for commuting. Vegetation clearance is due to be undertaken and so a condition is recommended for measures to avoid the killing/injury of individuals.
- 42. Bats are likely to be using the area for foraging and commuting and so the development, if permitted, should be carried out in accordance with the submitted Ecological Impact Assessment, and this would be secured by condition.
- 43. The proposals for the site include a number of suggested enhancement measures, including wildflower planting and provision of bat and bird boxes. Scrub and trees on site offer suitable habitat for nesting birds and so removal of vegetation shall be undertaken outside of bird nesting season. Again, these measures would be secured by condition.
- 44. The construction phase of the development will result in short-term impact on mainly improved amenity grassland and result in the loss of a short section of species-poor hedgerow. Considering the landscaping proposals submitted with the application, it is considered that any short-term impacts on habitats will be suitability mitigated for.
- 45. Natural England and Oxfordshire County Council have raised no objections and Officers are satisfied that the proposal will not have a negative impact on protected species or habitats and would therefore comply with policy CS12 of the Oxford Core Strategy, subject to conditions being applied to an approval.

Highways and transport

- 46. The existing access onto the playing fields from Copse Lane is proposed to be relocated. It will still allow access for vehicles for maintenance of the ponds in the west of the site which cannot be accessed from Dora Carr Close, as well as for emergency vehicles. Emergency vehicles will also be able to access the playing fields from the proposed spillway off Westlands Drive.

47. Although the installation of the road humps on Westlands Drive is primarily intended for flood protection purposes, the installation of such humps would also have a positive impact as a traffic calming measure.
48. The height of the raised tables is greater than the 100mm maximum height outlined in the Road Humps Regulations. This is required for the purpose of channelling flood water into the playing field storage area. However, due to the height required being greater than that permissible under the Regulations, special authorisation from the Secretary of State must be obtained for the road humps before the scheme is commenced.
49. The Highways Authority (Oxfordshire County Council) notes that the table ramps could be used as informal crossing points but there is no continuous surface due to the trees and grass verges. Officers recognise this could be a useful adaptation but do not consider it reasonable to request such changes to the scheme, particularly considering that there could be a harmful impact on the trees as a result of creating such a formal crossing point.
50. The Highways Authority has also recommended that the smaller raised table be set back a minimum of 5m from the junction, although they do not consider this necessary for road safety. This move cannot be accommodated because the location of the table ramp is critical to the intended flow of the flood water and the protection of adjacent properties.
51. The proposed gradients for the raised tables are 1 in 20. The Highways Authority has requested that the gradient of the larger table ramp on Westlands Drive be decreased to a gentler incline to give a more comfortable journey for bus passengers. In response, the applicant has agreed to alter the table ramp gradient to 1 in 25 by lengthening the ramps as far as possible without compromising the water-channelling effect of the table ramp, and details of this will be required by condition.
52. Officers consider that the proposal is acceptable in highway and transport terms and would comply with policy CP1 of the Oxford Local Plan 2001-2016.

Other matters

Land quality

53. The application includes a Land Contamination Assessment and Asbestos Survey and Risk Assessment. Officers are satisfied with the conclusions of the reports and recommend two conditions – requiring a materials management plan and a watching brief – in order to safeguard workers and the public, and to ensure the development is suitable for use in compliance with policy CP22 of the Oxford Local Plan 2001-2016.

Archaeology

54. This application would involve groundworks in an area that has general

potential for prehistoric remains and more specific interest regarding the extent of the 1st-4th century Roman field system identified at Barton Park (to the north) and also the character and date of the historic routeway that crossed through Peasemoor Piece (as shown on the circa 1830s 2" Surveyor's Map).

55. As the proposed works to the football pitches appear to be limited and the geotechnical data shows around 600mm of modern made ground over much of football pitch site, the main area of impact would be the storage area adjacent to Court Place Farm Nature Reserve. Given the small scale and localised character of the proposed works, the limited data on the Historic Environmental Record and the extent of modern made ground, a condition for archaeological monitoring during groundworks would be applied to any permission in compliance with policy HE2 of the Oxford Local Plan 2001-2016.

Conclusion:

56. The proposal is considered to bring significant public benefits by reducing vulnerability and increasing resilience to known flooding events in the Northway and Marston area. Overall, the landscape proposals are considered to make a positive contribution to the area and the loss of trees can be mitigated through replacement planting. The loss of one of the two football pitches is considered acceptable in view of the overall improvements to the pitch drainage, other pitch facilities available in the area and in view of the overall benefits of the flood alleviation scheme.
57. Officers recommend that the East Area Planning Committee, subject to notification to the Secretary of State and the application not being called in, grants planning permission subject to the conditions listed.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, 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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Contact Officer: Nadia Robinson

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Date: 27th June 2016

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