

PLANNING REVIEW COMMITTEE

Thursday 2 June 2011

COUNCILLORS PRESENT: Councillors Altaf-Khan, Armitage, Bance, Baxter, Rowley, Brown, Morton, Tanner and Van Nooijen.

OFFICERS PRESENT: Lois Stock (Democratic Services Officer), Michael Crofton-Briggs (Head of City Development) and Murray Hancock (City Development)

1. ELECTION OF CHAIR FOR THE COUNCIL YEAR 2011/2012

Resolved to elect Councillor Tony Brett as Chair of the Committee for the Council Year 2011/2012.

In the absence of Councillor Brett, it was resolved that Councillor Antonia Bance should Chair the meeting on this occasion.

2. ELECTION OF VICE CHAIR FOR THE COUNCIL YEAR 2011/2012

Resolved to elect Councillor Antonia Bance as Vice Chair of the Committee for the Council Year 2011/2012

3. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Ed Turner (Councillor John Tanner substituted), Councillor Tony Brett (Councillor Stephen Brown substituted), Councillor Mark Lygo (Councillor Oscar van Nooijen substituted), and Councillor Nuala Young (Councillor Matt Morton substituted)

4. DECLARATIONS OF INTEREST

The following declarations were made:-

- (1) Councillor Van Nooijen declared a personal interest in the planning application for the new swimming pool at Blackbird Leys (minute 5 refers); on the grounds that he had been a member of the old Strategic Development Control Committee which had previously considered this application, however he was approaching the application before the Committee tonight with an open mind. He had also been lobbied by the Save Temple Cowley Pools Group but had not stated any position;
- (2) Councillor Antonia Bance declared a personal interest in the planning application for the new swimming pool at Blackbird Leys (minute 5 refers) on the grounds that she had been a member of the old South East Area Committee which had previously considered this application; however she was approaching the application before the Committee tonight with

an open mind. She had also been lobbied by the Save Temple Cowley Pools Group but had not stated any position;

5. 11/00242/CT3 - NEW SWIMMING POOL, PEGASUS ROAD, BLACKBIRD LEYS, OXFORD.

The Head of City Development submitted a report (previously circulated, now appended), concerning an application for a new swimming pool at the Blackbird Leys Leisure Centre, Pegasus Road.

Before consideration of this item began, Cathryn Yeagers (Lawyer, Law and Governance) clarified that there was nothing in law to prevent members of the City Executive Board from determining this application. They would only be precluded from participation in the event that they had pre-determined how they intended to vote. It was essential that the application was approached with an open mind.

Michael Crofton Briggs (Head of City Development) explained the route that this application had taken. It was considered by the former Strategic Development Control Committee (SDCC) on 28th April 2011, and was then called in for further consideration by 12 members of the Council. Under new arrangements, put in place by Council on 18th April, it had been agreed that the application would be looked at afresh by the new Planning Review Committee and would not be called into Council.

Councillor Bance then confirmed that no “whip” system was in force amongst any of the political groups on the Council. She added that the meeting was a “meeting held in public” and not a “public meeting”. Public participation was permitted at the appropriate point as outlined in the Code of Practice for Planning Committees. Should anyone wish to speak during the public speaking spot they would be required to complete and submit a speakers’ form.

Application for a new swimming pool, Pegasus Road, Blackbird Leys

Murray Hancock (Planning) presented the report to the Committee.

Speaking against the application,

Nigel Gibson and Susan Heeks made the following points:-

- Why was the meeting being held on 2nd June and not on 29th June?
- Representations from residents of Dene Road should have been responded to point by point;
- Had the recommendations made at SDCC on 28th April been fully taken into account – for example, the production of a travel plan?
- There were concerns about the Sequential assessment – Temple Cowley, in Mr Gibson’s view, was a primary destination centre and a transport hub, and there were a number of sites in this area that would be available for a new pool;
- The site at Blackbird Leys was not suitable because it was outside the ring road and on only one bus route (Policy CP3);
- There were doubts about the accessibility of the site by foot, bicycle and public transport (Policy CS14)

- The new site would most probably be accessed by people in cars or on buses, leading to congestion in the adjacent area. Parked cars in the roads around the site resulted in the roads being reduced to a single carriageway;
- Concern that the issue was not being judged independently as the Council had consistently voted for the creation of a new pool at Blackbird Leys;
- The proposed site was the subject of an application for Town Green status;
- The site was unsustainable in terms of materials, costs etc;
- Existing facilities in the City could be improved in preference to this proposal. It would be cheaper to improve the old rather than create new facilities;
- Temple Cowley pool was more accessible by people who really needed such accessibility. Lots of people would not wish to, or be able to, travel to Blackbird Leys;

Speaking in favour of the application

Hannah Keilloh (Driver Jonas Deloitte, planning agents) made the following points:-

- The Council's Core Strategy supported a new competition pool in the Blackbird Leys area. It would help to deliver regeneration objectives;
- The pool would meet the needs of the local and the wider community, and would be suitable for all ages;
- It would fit in well with the existing leisure centre, and having a movable floor would provide space for a wide range of activities;
- It would help promote health amongst the population and help remove inequalities;
- Consultation had been extensive and the majority of comments were generally supportive. Refinements had been made to the plans as a result of the consultation;
- PPS1 was concerned with sustainability and sustainable communities. Environmental sustainability had been considered as part of the design process, and suitable measures were part of the design; therefore PPS1 was met;
- Officers were satisfied that PPS4 – economic growth - had also been met as outlined in their report;
- The suggestions made by the South East Area Committee had been noted – for example, a management plan would be provided as requested, and materials would be defined by conditions, in full co-operation with the Council.

Questions to planning officers

Members of the Committee asked questions of the planning officers concerning the following issues:-

1. Sequential assessment and the possible use of the site south of Oxpens Road, close to the ice rink;
2. Cowley Marsh site – possible use as a site for a new pool?

3. Further guidance on the Human Rights Act and its implication here;
4. Status of the travel plan;
5. Clarification of parking spaces, including usage at peak periods;
6. Traffic to and from the site;
7. Use of any S106 contribution on highways issues;
8. What is policy CS14?
9. Accuracy of images shown as part of the presentation – do they reflect the width of the road correctly?
10. Environment Agency reaction to movement of the football pitch to accommodate the new pool;
11. Have comments from South east Area Committee been answered?
12. Materials to be used on the front of the building;
13. Replacement trees;
14. Need for an archaeological survey;
15. Improvement of travelling facilities from other parts of the City, including Quarry and Risinghurst – can the Council do anything to encourage the bus companies to look at this?
16. Have the Councillors who called this in any additional suggestions to make about conditions that might be attached to this application?
17. Policy CS21 – what does it mean and would it apply here?
18. Creation of a “green roof” and use of water harvesting technology – has that been considered?

The meeting was suspended at 5.50pm owing to disruption from a member of the public. It reconvened at 6pm

Response to questions

The following additional information was provided in answer to the questions above:-

Sequential assessment as use of other sites.

The site at Oxpens was not considered appropriate for reasons outlined in the report. This land was owned by the City Council and the British Rail Residuary Body, and discussions between them have been ongoing for many years. They were now at an end and the British rail Residuary Body was seeking to sell its land. Therefore the site would not be available to the City Council. The ice rink has in any case been recently refurbished and improved.

The Cowley Marsh site was not sufficiently close to the district centres, hence it was not considered. It was roughly equidistant between Cowley Road and the Cowley Centre.

Traffic, access and parking issues

The original report to SDCC made it clear that a travel plan was required as one of the conditions of granting permission. Work on this has begun. 168 parking spaces, including overspill parking, would be available at the site, along with parking for 4 coaches. Both Planning and Highways officers were satisfied by this. Highways officers were also satisfied by the information provided on projected traffic movements, and had not made any objection to the plan on the

grounds of traffic congestion. They agreed with the estimate of 58 traffic movements in peak hours.

The bus companies were aware of the proposals and were of the view that the area was well served by buses.

Human Rights Act

It was clarified that Article 6 of the Human Rights Act was concerned with the right to a fair hearing – that is, where an individual was on trial. That was not the case here. The report had dealt with the Human Rights Act and concluded that this was not infringed by this proposal.

The legal department of the Council would be asked to write to the residents who had raised this, and confirm the above points.

Section 106 contribution

It had previously been indicated that this should be spent on the immediate locality. There was no firm decision about what the contribution should be spent upon, and there would not be until discussions on the issue were concluded.

Accuracy of drawings

The drawings were accurate to the best of the planning officers' knowledge and belief. Additional photographs had been submitted and presented that showed the street exactly as it was.

Environment Agency

The Environment Agency had raised no objection to the planning application. It took a strong line on flooding but had not objected to this, or to the relocation of the football pitch.

Concerns raised by South East Area Committee

These had been addressed in the report that went to SDCC on 28th April. The planning officers were satisfied that all queries raised had been answered.

Material, trees, archaeological survey and the "green roof"

The materials to be used on the frontages of the building were timber and aluminium. The Tree Officer would be involved with the issue of planting new trees. These would have the aim of softening the appearance of the building in an aesthetically pleasing manner.

The proposals had been examined by the City Council's archaeologist, who was satisfied with them. It was not anticipated that anything of significance would be found on the site.

A Natural Resource Impact Analysis (NRIA) had been carried out. A "green roof" had been considered, but discounted because of the slope of the roof. Also, it might be that the roof would be used for the installation photovoltaic

cells at some point in the future. There was a full plan for rainwater harvesting and drainage.

Meaning of policies CS14 and CS21

CS14 was a general policy within the Core Strategy concerned with improving the quality of access in the City centre and district centres.

CS21 (green spaces, leisure and sport) was not relevant to the issue before the Committee this evening. This policy would only be engaged if Temple Cowley pool was to close and alternative uses were to be sought for the site. Members were not required to take into account what may or may not happen to other facilities (such as Temple Cowley Pool) on this occasion. The only issue was the planning application that was before the Committee, and it was upon this that the Committee should focus.

Debate

Councillors present then debated the issues and stated their views. The following points were made during the debate:-

- The application was reasonable and met planning policy as required;
- This would create a multi function centre and there should be consideration of the benefits of the whole building;
- The application would enhance the existing leisure centre and would be a fabulous facility in an area of the City that required regeneration. It was accessible by public transport, well served by buses and within 1 mile of a large number of people;
- The concerns raised by the South East Area Committee had been taken into account and adequately answered in the report that went to SDCC on 28th April. However, it was felt that the management plan could be added as a condition to any permission granted;
- It was important that any contribution towards highway improvements should be spent within Blackbird Leys and not elsewhere, and that should be noted. Any discussion should involve City Council ward members as well as those from the County Council;
- Public transport in the area was good and Blackbird Leys was very accessible;
- It was important that such a world class facility was to be built in one of the City's deprived areas. It was hoped that it would encourage young people from all areas of the City to take up exercise;
- Concern remained about the outcome of the Sequential Assessment. There was still an argument that other areas of the City could be considered for this type of facility;
- The issue of accessibility remained and there was still concern that the nearby carriageways would be too narrow for the volume of traffic expected;
- There was still a feeling that this was a pool for Blackbird Leys – but was it the right pool for Blackbird Leys? It might be considered to be too big;

Resolved to:-

- (1) Grant planning permission, subject to a legal agreement in the terms outlined in the report presented to SDCC on 28th April 2011, and with the conditions outlined within the same report;
- (2) Add to the above a condition requiring the provision of a management plan as requested by South East Area Committee at its meeting on 4th April 2011.

6. DATES AND TIMES OF FUTURE MEETINGS.

Resolved:-

- (1) To note the dates of meetings as listed;
- (2) To start meetings of the Planning Review Committee at 6pm.

The meeting started at 5.00 pm and ended at 7.10 pm

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