

East Area Planning Committee

7th September 2011

Application Number: 11/00111/CT3

Decision Due by: 14th March 2011

Proposal: Erection of 1 timber 'maypole' swing and 1 timber swing.

Site Address: Bury Knowle Park London Road Headington Oxford

Ward: Barton And Sandhills Ward

Agent: Groundwork Thames Valley **Applicant:** Oxford City Council

The applicant is Oxford City Council, so determination by Committee is required.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed swings are not considered likely to result in significant harm to the appearance of the play area or wider local area. They will preserve the setting of a listed building and will not result in a net loss of recreation or sporting facilities or material damage to trees. The development is unlikely to result in a material increase in noise or nuisance, and subject to a condition to control the materials used in construction, will protect the character and appearance of the Old Headington Conservation Area. The proposals therefore comply with Policies CP1, CP8, CP10, CP13, CP19, CP21, HE3, HE7, NE15, NE16 and SR5 of the adopted Oxford Local Plan 2001 – 2016 and Policies CS18 and CS21 of the Core Strategy. No objections have been received from third parties.
- 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.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals
CP8 - Design Development to Relate to its Context
CP10 - Siting Development to Meet Functional Needs
CP13 - Accessibility
CP19 - Nuisance
CP21 – Noise
HE3 - Listed Buildings and Their Setting
HE7 - Conservation Areas
NE15 - Loss of Trees and Hedgerows
NE16 - Protected Trees
SR5 - Protection of Public Open Space

Core Strategy

CS18_ - Urban design, town character, historic environment
CS21_ - Green spaces, leisure and sport

Other Material Considerations:

The Town and Country Planning (General Permitted Development) Order 1995. As amended. (GPDO).

Relevant Site History:

Non relevant

Representations Received:

No comments received.

Statutory and Internal Consultees:

Friends Of Old Headington: No objection.

Oxford City Council Conservation department: No objection, information relating to root protection areas should be included with any grant of planning permission.

Issues:

Permitted development
Design in a conservation area
Setting of a listed building
Nuisance / noise
Protection of public open space / open air sports facilities
Trees

Officers Assessment:

Permitted development

1. The current application forms part of a wider scheme to improve the existing play area at Bury Knowle Park and provide an older children's play area with various new equipment and landscaping.
2. The bulk of that scheme constitutes Permitted Development as defined by Class A (a), Part 12 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and does not therefore require further permission.
3. However that Order also states (Interpretation of Class A: A.1) that such permission only relates to equipment not exceeding 4 metres in height. As the maypole swing and timber swing measure 5.8 metres and 4.3 metres in height respectively, they require a grant of planning permission from the Local Planning Authority

Design in a conservation area and affecting a listed building

4. The Council expects new development to enhance the quality of the environment, and with this Policy CP1 is central to the purpose. This policy states that all new development should respect the character and appearance of the area. This view is taken a step further in Policies CP8 of the OLP and CS18 of the Core Strategy, which require all new development to demonstrate high quality urban design and ensure that the siting, massing and design creates an appropriate visual relationship with the built form of the local area.
5. Policy HE7 of the OLP states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation area or its setting. Policy CS18 of the emerging Core Strategy requires that developments demonstrate high quality urban design that respects the unique townscape and character in different areas of Oxford.
6. The materials of the swings are predominantly timber above a grass mat surface treatment. In the context of the wider play areas, set within a tree studded public park on the edge of a conservation area, they are not considered to be out of place and the development is not considered likely to be materially out of character with the Old Headington Conservation Area. The proposals therefore complies with Policies CP1, CP8, CP10, CP11 and HE7 of the adopted Oxford Local Plan and CS18 of the Core Strategy.
7. With regard to the listed Bury Knowle house, the swings will be sited towards the rear of the play areas, will be screened by new and existing trees and are well out of the main lines of sight towards the main house. It is not considered that they will adversely affect the setting of the listed building, and the application complies with Policy HS3 of the adopted Oxford Local Plan.

Nuisance / noise

8. The swings will form part of an extension to an existing, well established play area within a public park. Whilst the use of the area and noise from it may be expected to increase, it is not expected that the swings will contribute to an unacceptable increase in noise or nuisance, and the application complies with Policies CP19 and CP21 of the adopted Oxford Local Plan.

Protection of public open space / open air sports facilities

9. The swings will add to facilities in the park for older children, without reducing the overall amount of public space or sports facilities available, and the application complies with Policy SR5 of the adopted Oxford Local Plan.

Trees

10. There are no Tree Preservation Orders in force nearby, and the erection and use of the swings is not expected to have an impact on trees nearby. The council Tree Officer has recommended that information relating to root protection areas be included as an informative in the event that planning permission is granted.

Conclusion:

11. The proposed swings are not considered likely to result in significant harm to the appearance of the play area or wider local area. They will preserve the setting of a listed building and will not result in a net loss of recreation or sporting facilities or material damage to trees. The development is unlikely to result in a material increase in noise or nuisance, and subject to a condition to control the materials used in construction, will protect the character and appearance of the Old Headington Conservation Area. The proposals therefore comply with Policies CP1, CP8, CP10, CP13, CP19, CP21, HE3, HE7, NE15, NE16 and SR5 of the adopted Oxford Local Plan 2001 – 2016 and Policies CS18 and CS21 of the Core Strategy and the application is recommended for approval.

Human Rights Act 1998

12. 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.
13. 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

14. 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 planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 11/00111/CT3

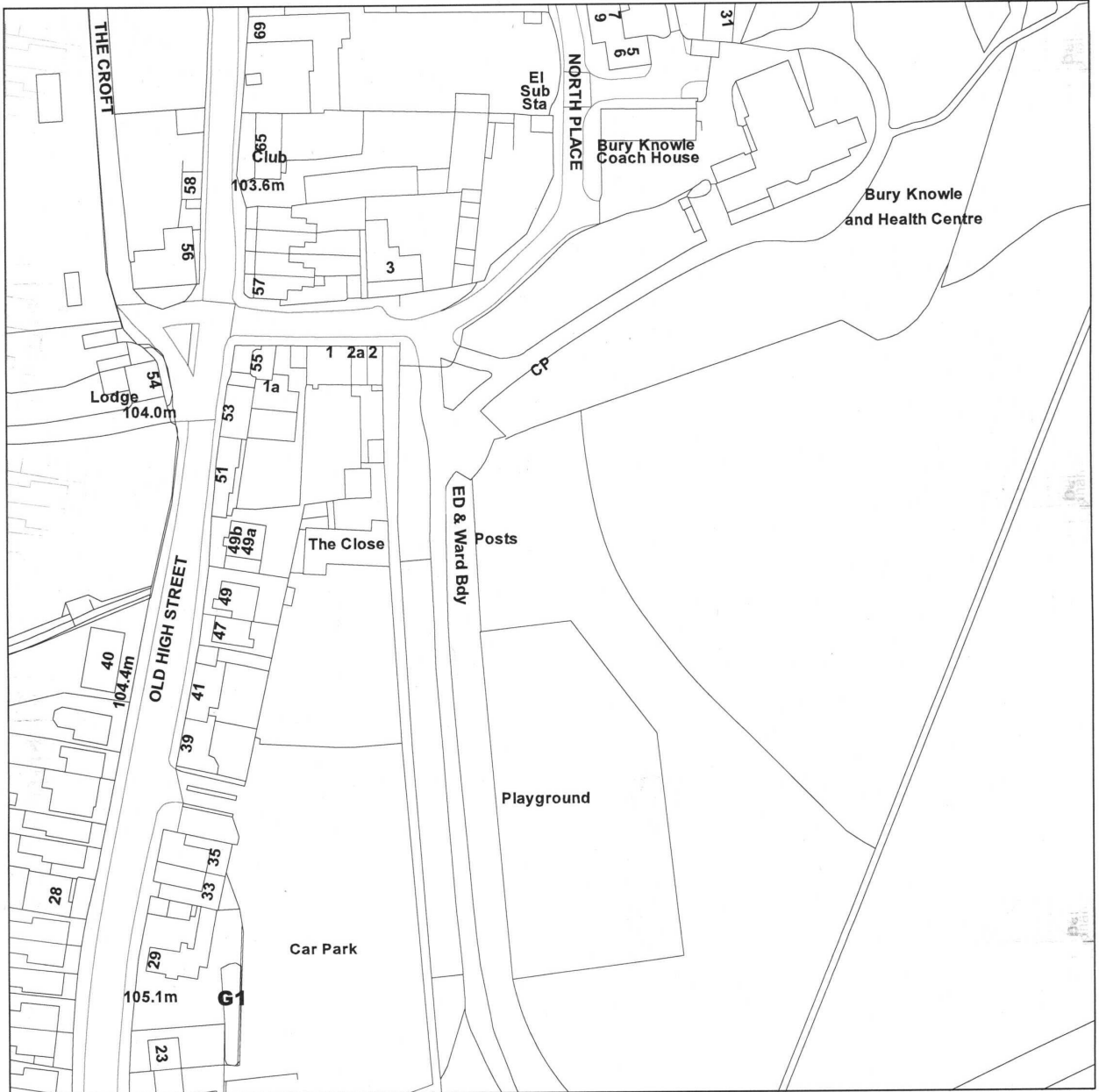
Contact Officer: Tim Hunter

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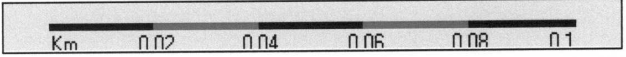
Date: 20th July 2011

11/00111/CT3

Bury Knowle Park, London Road



Scale : 1:1250



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Organisation	Not Set
Department	Not Set
Comments	
Date	09 August 2011
SLA Number	Not Set