

East Area Planning Committee

2<sup>nd</sup> April 2014

**Application Number:** 13/03192/CT3

**Decision Due by:** 5th March 2014

**Proposal:** Variation of condition 2 (develop in accordance with approved plans) of planning permission 11/00242/CT3 (Extension to existing Blackbird Leys Leisure Centre to provide 25m swimming pool, learner and fun pools and ancillary facilities. Alterations to existing leisure centre including new entrance, plus external works including landscaping and alterations to existing car parking to provide 121 spaces and 50 cycle spaces) to allow replacement of escape ramp with stairs, increase in floor level by 250mm and removal of an additional tree

**Site Address:** Blackbird Leys Leisure Centre, Pegasus Road, Oxford (**site plan: Appendix 1**)

**Ward:** Blackbird Leys

**Agent:** Faulkner Browns

**Applicant:** Oxford City Council

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## Recommendation:

To approve planning permission for the following reasons:

### Reasons for Approval

- 1 The proposed minor material amendments to the escape ramp, floor levels and the retained trees would not materially alter the development from that approved under 11/00242/CT3. The proposed competition pool would represent a wholly appropriate use within the Blackbird Leys Leisure Centre, which is considered to be a sustainable location, and would meet the strategic regeneration aims within the Oxford Core Strategy 2026. The extension to the existing leisure centre would represent an efficient use of land, enhancing this existing indoor sports facility and providing a number of environmental improvements that would improve the quality of the existing open-air sports facility and surrounding public realm without causing any undue disturbance to local residents. The size, scale, siting, and design of the pool building would be well integrated with the existing centre and surrounding area, while safeguarding the residential amenities of the surrounding properties within

Pegasus Road. The proposed development would not have a significant impact upon the local highway network and would provide adequate car parking and cycle parking for all users of the leisure centre. The proposal would not have a detrimental impact upon flood risk, archaeological, or sustainability matters. The proposed development would therefore accord with the relevant policies of the Oxford Core Strategy 2026, and the Oxford Local Plan 2001-2016.

- 2 In considering the application, officers have had specific regard to all the comments of third parties and statutory bodies in relation to the application however officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.
- 3 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**

To include the conditions from the original permission 11/00242/CT3

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials
- 4 Landscaping Plan and Schedule
- 5 Tree - Details of hard surfaces
- 6 Trees - Underground Services
- 7 Tree Protection Plan
- 8 Arboricultural Method Statement
- 9 Ecological Mitigation Measures
- 10 Archaeological mitigation
- 11 Full Travel Plan
- 12 Construction Traffic Management Plan
- 13 Details of parking area
- 14 Details of Cycle Storage
- 15 Widening of Vehicular Access
- 16 Noise Limits
- 17 Scheme for treatment of cooking fumes
- 18 NRIA
- 19 FRA
- 20 Surface Water Drainage Scheme
- 21 No infiltration of surface water drains
- 22 Contamination Remediation
- 23 Details of Public Art
- 24 Operational Management Plan
- 25 Details of Sub Station

## **Principal Planning Policies:**

### Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP11** - Landscape Design
- CP13** - Accessibility
- NE15** - Loss of Trees and Hedgerows

### Core Strategy

- CS11\_** - Flooding
- CS13\_** - Supporting access to new development
- CS18\_** - Urban design, town character, historic environment
- CS19\_** - Community safety

### Other Planning Documents

- National Planning Policy Framework
- National Planning Practice Guidance

## **Relevant Planning History**

The site has been subject to a number of planning applications, not all of which are relevant to this proposal. Those most relevant are listed as follows

11/00242/CT3 - Extension to existing Blackbird Leys Leisure Centre to provide 25m swimming pool, learner and fun pools and ancillary facilities. Alterations to existing leisure centre including new entrance, plus external works including landscaping and alterations to existing car parking to provide 121 spaces and 50 cycle spaces. (Additional Information): Approved

13/01397/CT3 - Erection of single storey extension to accommodate additional change room facilities to the north elevation: Approved

11/00242/NMA - Non-material amendment to planning permission 11/00242/CT3 to allow alterations to the roof covering, rear elevation, biomass store and main entrance doors: Approved

## **Public Consultation**

### Oxfordshire County Council

- Drainage Authority: The development is to be drained use Sustainable Urban Drainage methods including porous surfaces to reduce the discharge to green field run off rates

### Environment Agency Thames Region:

- The Environment Agency have no concerns about the raising of the floor level of the building above that proposed in the original planning application.

### Third Parties

No third party comments have been received

### **Officers Assessment:**

### **Background to Proposals**

1. The site is located on the northern side of Pegasus Road, and is bordered by the Oxford and Cherwell Valley College to the north-west, the playing fields of open air sports facility and Blackbird Leys Park to the north and east, and Evenlode Tower to the west. The site is within a predominately residential area, with the properties situated on the southern side of Pegasus Road facing the site (**site plan: Appendix 1**).
2. The site comprises the Blackbird Leys Leisure Centre which includes a multi-use sports hall, gym, exercise studios, spin studio, crèche, and café. The centre has undergone various refurbishment works in recent years. The site is accessed via Pegasus Road with a car park located to the west of the multi-use sports hall which has 89 spaces including a small area for disabled parking. There is also cycle parking of 30 spaces and pedestrian access to the facility along the frontage.
3. In July 2011 planning permission was granted for an extension to the leisure centre to provide a 25m swimming pool, learner and fun pools, and ancillary facilities under reference number 11/00242/CT3. The permission has been implemented and work is currently underway on site.
4. The National Planning Practice Guidance [NPPG] recognises that new issues may arise after planning permission is granted which require modification to the approved proposals. Where any changes are considered to be less than substantial, it is possible to seek permission for a minor material amendment to the approved scheme. The NPPG states that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where it's scale and/or nature results in a development which is not substantially different from the one which has been approved.
5. In accordance with this guidance, this application is seeking permission for the following minor material amendments to the approved scheme
  - The raising of the internal ground floor level by 250mm
  - The replacement of the escape ramp on the eastern elevation with stairs
  - The removal of an additional (category c) tree to the rear of the extension
6. Officers consider that the sole determining issues in this case would relate to the specific impacts of these individual amendments. The following assessment will consider each of these matters in turn

### **Raising the internal ground floor level**

7. The proposal is seeking permission to raise the finished floor level (including the water tank) within the extension by 250mm from the level approved in the original

permission. The alteration is required as a result of further information provided during the design development phase of the project which identified that the water table had risen since permission was granted and therefore it was recommended that the floor level be raised above the water table.

8. This would constitute an internal alteration to the approved scheme and would have no material impact upon the external appearance of the building as the eaves and ridge height of the building would be maintained at the originally approved height.
9. An addendum to the approved Flood Risk Assessment has been included which considers whether there would be any flood risk to and from the site as a result of the revised floor level. The site is located within Flood Zone 1 (less than 0.1% chance of flooding in any year). The addendum concludes that raising the finished floor level of the extension would not increase the probability of suffering from any fluvial, groundwater, or surface water flooding or the probability of flood risk to other properties within the local catchment area. The Environment Agency have reviewed the addendum and confirmed that they have no concerns with this alteration in terms of flood risk.
10. The addendum also confirms that the amendment will not have a material impact upon the drainage strategy approved under the original permission which will remain unaltered.
11. Therefore officers have no objection to raising the internal floor level of the extension by 250mm having regards to the fact this would have no impact upon the external appearance of the building or raise any additional concerns over flood risk or drainage beyond those considered under the original permission in accordance with Oxford Local Plan Policy CP1, and Oxford Core Strategy Policy CS11.

### **Alterations to Ramp**

12. The original permission provided a ramp along the north-eastern elevation of the extension, which provided an escape route from the spectator seating area within the pool hall. The supporting statement submitted with the application states that there are concerns that the ramp will provide opportunities for misuse from persons wishing to loiter around this area, and the potential to create an unwanted viewing area raising privacy issues for pool users. Therefore in order to address these issues the ramp is to be replaced with a set of steps and defensible planting between the building and the public footpath to improve privacy.
13. Oxford Local Plan Policy CP13 makes clear that all new development should be accessible for all members of the community including people with children, elderly people and people with disabilities. As the ramp was provided to enable an escape route from the spectator area, it would be necessary to consider how its removal would impact upon this emergency access for all users of the pool.

14. Having reviewed the submitted plans, officers consider that that the proposed alteration would not have a material impact upon emergency access. An escape route would be maintained in this location, albeit that there would be a set of steps to negotiate. A designated refuge has been provided alongside the steps where wheelchair users are able to wait in the event of an emergency until assistance is available. It is also important to recognise that this is a secondary means of escape, with the primary route being via the internal ramp that leads from the seating area and allows escape onto the main entrance of the leisure centre via a set of escape doors. Therefore officers raise no objection to the proposed amendment which would maintain suitable accessibility in accordance with Policy CP13.

### **Removal of Silver Birch Tree**

15. It is proposed to amend the approved landscaping scheme to allow the removal of a Silver Birch Tree (T5) at the rear of the extension alongside the proposed turning head of the rear access road. The works to create the new pavilion to the rear of the existing leisure centre, along with the pool extension have resulted in a request to remove the tree.

16. The Tree Survey submitted with the application identified the tree as being of low amenity value with some vandalism of the lower branches. Officers raise no objection to the loss of the tree, and consider that, given its young age, the planting of 2 new Silver Birch trees will adequately mitigate its loss. This could be secured by condition.

### **Conclusion:**

17. The overall scale of the amendments would be minor in nature and would not materially alter the development from the one which has already been approved or raise any issues that could not be successfully mitigated by condition. The proposal is considered to be acceptable in terms of the relevant policies of the adopted Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016 and therefore officer's recommendation to the Members of the East Area Planning Committee is to approve the development.

### **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 grant permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Contact Officer:** Andrew Murdoch

**Extension:** 2228

**Date:** 21<sup>st</sup> March 2013

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