

East Area Planning Committee

2nd April 2014

Application Number: 13/03301/CT3

Decision Due by: 5th May 2014

Proposal: Creation of new landscaping to include mounds and new tree planting. Formation of new habitat area along existing brook, picnic area, fitness trail and a new pathway.

Site Address: Blackbird Leys Park, Pegasus Road (**site plan: Appendix 1**)

Ward: Blackbird Leys

Agent: N/A

Applicant: Oxford City Council

Recommendation:

To approve planning permission for the following reasons:

Reasons for Approval

- 1 The proposed development would form part of the Council's long term management objectives and vision to improve the general landscape framework and infrastructure of Blackbird Leys Park. The proposed mounds have been sited in a manner which would maintain the function of the park as a protected open-air sports facility and public open space without having an impact upon access to the park or increasing the probability of flood risk. The re-use of excavated material from the swimming pool extension to the leisure centre within the park would represent a sustainable method of re-using this material, and any possible contaminated land risk could be suitably mitigated by appropriately worded conditions. The proposal would therefore accord with the aims and objectives of the National Planning Policy Framework and policies of the Oxford Core Strategy 2026 and 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 following

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Construction Traffic Management Plan
- 4 Phased contaminated land assessment
- 5 Confirmation that material is suitable for use

Principal Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP11 - Landscape Design

SR2 - Protection of Open Air Sports Facilities

SR5 - Protection of Public Open Space

Core Strategy

CS11_ - Flooding

CS12_ - Biodiversity

CS21_ - Green spaces, leisure and sport

Other Planning Documents

National Planning Policy Framework

National Planning Practice Guidance

Public Consultation

Statutory Consultees

Oxfordshire County Council Highways Authority

The Highway Authority has recommended a Construction Traffic Management Plan be produced to lessen the construction traffic impact on the surrounding area and to make sure deliveries do not occur during the peak traffic times. After investigation and reviewing the supplied documents, the Highway Authority has no objection subject to the above condition(s) being applied to any permission which may be granted on the basis of highway safety.

Environment Agency Thames Region

The proposal would have a low environmental risk and therefore have no objection

Third Parties

No third party comments have been received

Relevant Planning History

The site has been subject to a number of planning applications, with those of most relevance to this application 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

Officers Assessment:

Background to Proposals

1. The site is located on the northern side of Pegasus Road and is bordered by Oxford and Cherwell Valley College to the north-west, Cuddesdon Way to the north and Pegasus Road to the east (**site plan: Appendix 1**)
2. The site comprises Blackbird Leys Park which is a 9ha city park in the centre of the residential suburb. The park currently includes a number of sports pitches, open space, children's play areas, Bowling Green, leisure centre, and sports pavilion. The park is designated as a protected open-air sports facility and protected public open space within the Oxford Local Plan 2001-2016.
3. The park has been awarded Green Flag status which is a national standard that recognises good quality green space. A Management Plan for the park has been prepared by the Council's Leisure and Parks team which outlines the long-term management and vision for the park in order to maintain this status. It identifies that the park has undergone a number of regeneration proposals in recent years with the refurbishment of the two play areas on Pegasus Road and Cuddesdon Way, and that further improvements proposed to the park infrastructure, bins, benches, pathways, signage, and fitness trail, along with a competition sized swimming pool extension to the leisure centre currently underway.
4. This application forms part of the long term aspirations set out within the Management Plan, and is seeking permission for the creation of new landscaping to include mounding's and new tree planting. Formation of new habitat area along existing brook, picnic area, fitness trail and a new pathway.
5. Having reviewed the application, officers consider that it is only the proposed mounding that would require the benefit of planning permission as the other works would constitute permitted development in accordance with Class A of Part 12 Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995.

Principle of Development

6. The Oxford Core Strategy 2026 seeks to maintain public open space in order to help achieve a successful urban environment and healthy communities. The Oxford Local Plan makes clear that permission will not be granted for development proposals that result in the loss of public open space (Policy SR5)

and protected open air sports facilities (Policy SR2).

7. The general principle of providing improvements to Blackbird Leys Park as part of the long-term management strategy behind maintaining this open space would accord with these aims.

Landscaping

8. The proposal is seeking permission to provide a number of low mounds within the existing park in order to provide some interest and structure to the overall landscape framework of the park in order to complement the aims of the long-term management plan. The mounds would be formed using soil which had been excavated from the park through the construction of the swimming pool extension to the leisure centre (11/00242/CT3).
9. The proposed site plan shows the provision of two mounds which will be located in the south-western corner of the park around the perimeter of the new pool building, and two mounds to the north-western boundary of the site. The mounds would be relatively low rise, with a maximum height of 750mm and gentle slopes either side. The mounds will combined with the new tree planting and integrated into the new fitness trail with exercise stations which is proposed for the park.
10. The mounds would provide some additional features at the edges of the park and are sited in a manner that preserves the protected open air sports facility. The mounds would form a clear part of the on-going landscape strategy for the park, which along with the proposed tree planting would help screen the park from the college buildings to the north-west, and be consistent with the landscape strategy around the pool extension. Similarly they would also have some benefit in terms of providing features for the proposed fitness trail and exercise stations that are to be located within the park. The mounds would not have an impact upon access in and around the park.
11. Therefore the proposed mounds would satisfy the aims of Oxford Local Plan Policy CP11 which encourages landscape design to relate to the function and character of the spaces and the surrounding buildings, and Policies SR2 and SR5 which seek to maintain protected public open space and also the protected open-air sports facility.

Access

12. The proposed mounds will not have any impact upon the existing access arrangements for the park.
13. The Local Highways Authority has recommended imposing a condition which secures a construction traffic management plan to lessen the potential impact upon the area from construction vehicles. The mounds are to be created using soil which has been excavated from the park through the works to create the swimming pool extension. As the spoil is already located at the site, it is not anticipated that this will create any additional construction traffic beyond the existing works for the pool extension. Nevertheless it would be appropriate to

attach a condition requiring a brief construction traffic management plan to ensure that this is the case.

Flood Risk and Drainage.

14. A Flood Risk Assessment [FRA] has been submitted which has considered the potential flood risk from the mounding's. The FRA identifies that although the Environment Agency's Flood maps show that the site is within Flood Zone 1, whereas the Oxford City Council Strategic Flood Risk Assessment [SFRA] shows the site as being located within Flood Zones 1, 2 and 3b. This is because the SFRA identifies all potential types of flood risk such as surface water flooding as well as river flooding.
15. The FRA recommends that provided proposed mounds are located outside the area designated as Flood Zone 3b within the SFRA and that the finished ground levels are provided in a manner that ensures flows are directed away from properties, the development would not increase the probability of flood risk to other properties within the local catchment area.
16. The submitted site plan has located the mounds outside Flood Zone 3b in accordance with these recommendations. The Environment Agency and also the Oxfordshire County Council Drainage Authority have raised no objection to the proposal. Therefore officers consider that the proposal would accord with the aims of Oxford Core Strategy Policy CS11 subject to a condition requiring the development to be carried out in accordance with the recommendations in the FRA.

Contaminated Land

17. A Phase 2 Intrusive Investigation has been submitted with the application although this applies to the leisure centre site and does not cover the area subject to this planning application. The report also uses assessment criteria for commercial development, rather than a recreational use which would be the case in this proposal.
18. Environmental Health Officers have advised that the application site has the potential for heavy metal accumulation due to the historic practice of sewerage spreading that has occurred in this area. As such the Phase 2 report does not constitute an appropriate contamination assessment for the site and therefore in order to ensure that the potential for land contamination is appropriately assessed a condition should be attached which secures a phased risk assessment process be carried out.
19. As the proposal involves the construction of mounds using the excavated soil from the swimming pool extension, a condition should also be attached which requires that additional testing is carried out on this soil to ensure that it is suitable for recreational use.

Conclusion:

20. 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.

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Date: 21st March 2014