

East Area Planning Committee

14<sup>th</sup> May 2015

**Application Number:** 14/03540/FUL

**Decision Due by:** 16th February 2015

**Proposal:** Change of use of building from administrative office and teaching accommodation to children's nursery for a temporary period of up to 5 years, together with external alterations including provision of new external doors, external stairs and canopies. Surfacing of garden area to provide play area, and use of land and surfacing to provide 6 drop off bays and 9 car parking spaces. Widening of entrance to 5m and rebuilding of stone pilaster to match existing. Provision of pram/buggy store (Amended plans and description)

**Site Address:** The Triangle, University Of Oxford, Old Road Campus, Roosevelt Drive.

**Ward:** Churchill Ward

**Agent:** Mr Robert Linnell

**Applicant:** The Chancellor, Masters  
And Scholars Of The  
University Of Oxford

**Application Called in –** by Councillors – Cllrs Wilkinson and Brown, supported by Cllrs Fooks, Wade and Goddard.  
for the following reasons: principally to allow members of the public (especially those from Highfield Residents' Association) the opportunity to speak at EAP and listen to the debate. There are also a number of transport issues as Old Road is currently considered by residents to be hazardous for cyclists and this proposal would introduce vehicular access and egress to the Nursery which will complicate traffic movements.

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**Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

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
- 3 Materials - matching
- 4 Lighting services
- 5 Landscape hard surface design - tree roots
- 6 Tree Protection Plan (TPP) 1
- 7 Reinstatement of wall
- 8 Highways measures
- 9 Details of surfacing of car park
10. Landscape underground services - tree roots
11. Removal and storage of stone from wall

### **Main Local Plan 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
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- CP25** - Temporary Buildings
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE15** - Loss of Trees and Hedgerows
- NE16** - Protected Trees
- HE2** - Archaeology
- ED1** - Nursery/Childcare Facilities Non Res & Purpose Built

#### **Core Strategy**

- CS16**\_ - Access to education
- CS18**\_ - Urban design, town character, historic environment

#### **Sites and Housing Plan**

**MP1** - Model Policy  
**SP39\_** - Old Road Campus

**Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

**Relevant Site History:**

96/01186/NF - Erection of 2 storey administrative and teaching building. (Amended Plans). PER 2nd December 1996.

00/00579/NF - Erection of 5 ground mounted condensing units, retention of two ground mounted condensing units and relocation of existing unit. Erection of screen fencing (Amended plan). PER 17th June 2000.

**Representations Received:**

As a result of the original application and readvertised proposal, twelve letters of representation have been received from the occupiers of the following properties: 51 and 52 Stapleton Road, 63 Old Road, 67 Old Road, 73 Old Road, 81 Old Road, 37 Bickerton Road, raising the following objections and comments:

- No objections to nursery use but strong objections to proposed access arrangements, traffic, highway safety and parking implications.
- Transport statement is flawed and the proposal will cause great danger to pedestrians and cyclists and inconvenience to other road users.
- Effect on adjoining properties and character of area.
- Effect on existing community facilities.
- Effect on pollution
- Insufficient play space for children at nursery.
- Proposals to widen the gates can only serve to increase dangers on pedestrians using the crossing. Widening the stone wall would be unnecessary vandalism. This wall, apparently built in local stone, represents a rare asset which blends with the immediate built environment of Old Road. It also provides scarce solid screening from the Campus and could ultimately enhance the completed development from both sides.
- There must be simpler, cheaper and safer options.
- Alarmed by the proposal to widen the gateway from 3.10 m. to 5 m. onto Old Road as a drop-off point for the proposed nursery. Allowing vehicles to go in and out at the same time seems sure to add to congestion.
- Cannot see how widening the gateway would assist the safe passage of traffic in and out of the site.
- Widening the gates will spoil the prospect of the gates as seen from along Stapleton Road.

Highfield Road Residents Association (37 Bickerton Road)- HRRAs are uncertain whether the development will actually go ahead, however would like to make clear their objections to the proposed use. Members of the HRRAs committee know the frontage of the ORC onto Old Road well, and also have experience of nursery arrivals (including that used as an example in this application). HRRAs are sure that the application will make the traffic situation in Old Road worse, and cause potential dangers for pedestrians. Can't compare this proposal to other nurseries such as that at Jack Straw's Lane. Concern is expressed regarding the numbers of parents and staff all arriving at peak times. HRRAs are very sympathetic to the need to enhance nursery provision, and would very much welcome 100 additional spaces. We are concerned although that such a large nursery would have such a small outdoor space, and are concerned that the screening vegetation would be diminished in order to create even this. We must, however, object to the plan to use Old Road as the entrance for what would be such a busy nursery. We think that the option of having access via existing car parks closer to the building and using the existing roads have been too easily dismissed and provide the obvious solution.

### **Statutory Consultees:**

Oxfordshire County Council Highways Authority- Awaiting written observations which will be reported verbally to Committee. However the Highways Officer has indicated that, on the basis of the revisions to the application, she is satisfied with the proposals from a highway safety point of view.

### **Site Description:**

1. The application site is situated to on the southern side of the Old Road, on the Old Road Campus. The Triangle building itself is a two storey block which was granted planning permission in 1996 and used as an administrative and teaching block associated with the University. It is currently vacant.

### **Proposed Development:**

2. This application proposes the temporary change of use of the Triangle building to a children's nursery for a period of 5 years. Permission is only sought for a temporary period as the site will be redeveloped as part of the wider Old Road Campus for which outline planning permission has been granted, including a site masterplan.
3. The University indicate that they have a strong demand for nursery provision in the Headington area to meet the needs of staff as well as students living and working in the area. The nursery is proposed to provide for 100 nursery spaces and would be operated by 30 staff and would operate from 8am to 6pm daily with the majority of children staying all day.
4. The number of external alterations to the building are limited to facilitate the use of the building such as: installation of new soil pipe, external vent grilles and kitchen extractor, new doors in place of windows in the north

elevation, new external stairs from the ground and first floor to provide direct access to the garden area, fencing around the garden to provide an enclosed area and surfacing part of the garden area to allow for all weather outdoor play, provision of polycarbonate roof over the level playing area to the rear of the building and erection of a timber buggy/pushchair store. A flat glazed canopy would be fitted over the entrance door.

5. It is also proposed to use the existing car park (previously used by the Oxfordshire Health Trust staff) for staff and parent drop-off parking. The car park would be resurfaced and lighting installed. Fifteen parking spaces would be provided in total with five for staff, eight for drop offs and two disabled spaces.
6. Following discussions between the County Highways Authority and applicant, the plans have recently been amended to propose the widening of the access point. This will involve the careful removal of part of the existing wall and gate piers and replacement when the temporary permission comes to an end.

#### **Determining Issues:**

- Principle of development
- Highways
- Impact on trees
- Impact upon Historic Environment

#### **Officers Assessment:**

##### Principle of Development:

7. The Triangle Building is an existing building which has been vacant for some time. The University have indicated that they would like to use the nursery for a temporary period only until a permanent home for a nursery in this area can be found. It is also important to stress that this application is stand-alone, and not part of the Masterplan or outline permission for an extended Old Road Campus. It is intended to be demolished for future research buildings permitted as part of the outline permission. The building out of the extended Old Road Campus is a long term project however and it is not anticipated that this part of the site will be redeveloped with a permanent new research building for several years yet.
8. Policy SP39 of the Sites and Housing Plan 2011-2026 states that *“Planning permission will be granted for medical teaching and research at Old Road Campus. Planning permission will not be granted for any other uses....”*. Whilst this development is not strictly speaking for medical teaching and research, it would be heavily connected to the Campus and ancillary to those activities. Clearly there is merit therefore in utilising a vacant building for a temporary period for a need

which exists for the University.

9. Limited external alterations are proposed to the building to enable it to function as a nursery and it is not considered that these changes would have an adverse impact upon the character and appearance of the surrounding area.

#### Highways Impact.

10. It is clear that the principle of using the existing access onto Old Road is of concern to local residents. The County Highways Authority have been in discussions with the applicant regarding the proposed access and have looked at a number of ways in which it could be improved. This has culminated in the submission of revised plans which have recently been out to consultation. These revised plans show the access widened to 5 metres to allow two vehicles to pass.
11. The revised plans also propose a reorganisation of the parking spaces within the site to provide staff parking at the furthest point from the building. Level access will also be achieved between the car park and the footpath to the south meaning that parents and children will not have to walk through the car park to access the nursery. It is understood that the County Highways Authority are satisfied with the amended proposals from a highway safety perspective. They have asked for an informative to be added to any consent to request that indicative lines are laid out for parents and children to cross the car park to the footpath.

#### Impact on Trees.

12. Policies NE15 and NE16 of the Oxford Local Plan 2001-2016 provide for the protection of trees and hedgerows. Policies CP1 and CP11 also require development proposals to retain and protect important landscape features and ensure that hard and soft landscaping proposals contribute to the character of an area. This site is also now covered by a new Tree Preservation Order: Old Road Campus, Roosevelt Drive (No.1) TPO 2015
13. No objections are raised to the proposal in arboricultural terms. The proposed car park is situated within an area of trees forming part of the site's important northern boundary tree belt, and the area is already subject to informal parking. Some of the proposed car parking spaces will be within the Root Protection Areas (RPAs) of these trees. Therefore in order to minimise any harm to tree RPAs from the construction of hard surfaces, the car park construction will need to be compliant with certain no-dig standards. Appropriate conditions are recommended to be imposed to provide for the protection of the trees and their roots in terms of lighting services and hard surfacing and also requiring the detailed measures for the protection of trees to be retained during the development.

## Impact upon the Historic Environment.

14. The stone wall around the application site adjacent to Old Road is 19<sup>th</sup> Century, constructed of local stone and encloses the former Highfield Park/Park hospital (now Boundary House). The wall and gate piers are not Listed and the site is not within a Conservation Area. However, recently a request has been put forward to add the wall to the Oxford Heritage Asset Register (OHAR) which is a register of buildings, structures, features or places that make a special contribution to the character of Oxford and its neighbourhoods through their locally significant historic, architectural or artistic interest. Inclusion of a building or place on the Heritage Asset Register imposes no additional legal requirements or responsibilities on property owners over and above those already required for planning permission or building regulation approval. It can, however, help to influence planning decisions in a way that conserves and enhances local character. Under the National Planning Policy Framework (NPPF) the conservation and contribution of locally listed heritage assets will be a material consideration in planning decisions that directly affect them or their setting.
15. As described above, the proposals to increase the width of the access will involve moving the large gatepost which has a large carved finial. With regard to the NPPF, whilst it is accepted that the wall itself does contribute to the character and interest of the area, the wall is not protected by listed status and removal of part of it would allow the development to be acceptable in highways terms.
16. It is therefore recommended that conditions be imposed on any consent requiring a) the appropriate and careful removal of the relevant part of the wall part, b) the appropriate storage and labelling of the stone during the 5 year period, c) upon cessation of the temporary use, the appropriate reinstatement of the part of the wall to its original condition. There are other examples of University projects where this has been successfully achieved, mostly recently with the extension to the Ashmolean Museum where it was necessary for the stone arch fronting St. Giles to be removed to allow for construction access, but was successfully reinstated upon completion of the development. The same approach would ensure that the permanent demolition of the wall here did not take place but would respect the thrust of Local Plan policies CP1 and HE7 and Core Strategy policy CS18 . In the longer term further consideration will be required to be given to the wall as and when further phases of development at the extended campus come forward. The wall is clearly of much local interest and character but with the changing nature of the extended campus site, there are arguments both for and against its retention in full, or its amendment so that new buildings can better address Old Road. Decisions about the most appropriate approach will need to be taken in the context of those future developments. For now the wall remains with a recommended requirement that the temporarily removed section be reinstated following cessation of the temporary use

### Sustainability:

17. It is considered that the development is most sustainable. The proposed change of use proposes the reuse of an existing building on an established campus, close to the workplace of people who would use it for childcare purposes.

### **Conclusion:**

For the reasons set out above it is recommended that the application be approved subject to conditions. No objections are raised from the County Highway Authority on the basis of the revised access arrangements proposed and it is considered that the partial removal and ultimate reinstatement of the wall and gate piers could be appropriately controlled by planning condition. Members are recommended to support the proposals accordingly.

### 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 subject to conditions, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:** 14/03540/FUL

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**Date:** 5<sup>th</sup> May 2015