

**West Area Planning Committee**

11<sup>th</sup> August 2015

**Application Number:** 15/01654/FUL

**Decision Due by:** 31st August 2015

**Proposal:** Use of land as a construction compound incorporating storage area, site offices, welfare facility, access and utilities required in association with Westgate development permitted under references 13/02557/OUT and 14/02402/RES for a temporary period until 31 December 2017.

**Site Address:** Land On The South Side Of Osney Lane, Osney Lane, Oxford (**site plan: appendix 1**)

**Ward:** Carfax Ward

**Agent:** Rory McManus

**Applicant:** Laing O'Rourke

---

## **Recommendation:**

The West Area Planning Committee is recommended to approve planning permission for the following reasons:

## **Reasons for Approval**

1. The proposal would make an efficient use of a piece of vacant previously developed land for a temporary period to provide a contractors compound as part of the major redevelopment works for the Westgate centre. The proposal would not create any adverse visual impact, flood risk, drainage issues, landscaping, ecological, land contamination, air quality, or noise impacts, and any such impacts could be successfully mitigated by appropriately worded conditions. The development would accord with the aims of the National Planning Policy Framework and the relevant policies of the Oxford local Plan 2001-2016, Oxford Core Strategy 2026, and West End Area Action Plan.
2. In considering the application, officers have had specific regard to 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**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Temporary period to the 31.12.2017
- 4 Phasing of reinstatement works
- 5 Details of cycle parking
- 6 Reinstatement of public highway
- 7 Details of signage strategy
- 8 Surface Water Drainage Scheme constructed as proposed
- 9 Tree Protection Plan
- 10 Recommendations of Flood Risk Assessment carried out
- 11 Contaminated Land Risk Assessment
- 12 Unsuspected contamination

### **Principal Planning Policies:**

#### Oxford Local Plan 2001-2016

**CP1** - Development Proposals

**CP10** - Siting Development to Meet Functional Needs

**CP22** – Contaminated Land

**CP25** - Temporary Buildings

**NE15** – Loss of Trees and Hedgerows

**HE2** - Archaeology

#### Oxford Core Strategy 2026

**CS2** - Previously developed and greenfield land

**CS5** - West End

**CS11** - Flooding

**CS12** - Biodiversity

**CS18** - Urban design, town character, historic environment

#### West End Area Action Plan

**WE14** - Flooding

#### Other Planning Documents

National Planning Policy Framework

Oxpens Master Plan Supplementary Planning Document

### **Relevant Planning History**

01/00807/DF - Change of use to contractors site for temporary period of 12 months while improvements to Cornmarket Street: Raised objection, County Approved

02/00908/CC3 - Renewal of temporary planning permission for continued use of site for contractors yard for 12 months: Raised objection, County Approved

03/00720/CC3 - Renewal of temporary planning permission number 02/00908/CC3 for continued use of site for contractors yard for 12 months: Raise no objection to County Approved

99/01525/NF - Land at Osney Lane - Change of use to contractors site for temporary period of 18 months, including installation of portacabin & storage: Approved

14/01160/FUL - Temporary change of use from land to public car park for a period of 2 years (amended description): Approved

## **Public Consultation**

### Statutory Consultees

- Natural England: No objection

The application is in close proximity to Magdalen Grove and New Marston Meadows SSSI, Port Meadow with Wolvercote Common & Green SSSI, and Oxford Meadows Special Area of Conservation. Natural England is satisfied that there will be no damage to these statutory nature conservation sites subject to the application being carried out in accordance with the details in the application.

Natural England has not assessed the application for impacts upon protected species, and would refer the Local Planning Authority to their standing advice in this regard.

- Thames Water Utilities Limited: No objection
- Environment Agency Thames Region: No objection, subject to a condition requiring a remediation strategy for any unsuspected contamination.
- Oxfordshire County Council

Strategic Comments: The county council is supportive of the Westgate development, as demonstrated in its responses to the previous outline and reserved matters applications for the site. Given the strategic importance of this development to Oxfordshire's growth and economy, this application for new site offices and compound for the duration of the construction of the development, is also supported by the county council, subject to the conditions outlined in the transport response.

Due to the extensive amount of construction activity currently taking place across the city, it will be important that the Westgate Oxford Alliance continue to liaise with the county council to manage and co-ordinate its highway movements and minimise the impact on the road network at peak times.

Highways Authority: No objection, subject to conditions requiring cycle parking to be provided for 23 spaces; the applicant to monitor the use of cycle parking and increase spaces to meet demand; any damage to highway to be made good;

signage strategy for HGV vehicles; surface water drainage as proposed.

Third Parties

None

**Officers Assessment:**

**Background to Proposals**

1. The site is an area of land on the southern side of Osney Lane that was formally part of the operational goods yard for the railway. The site is bordered by Osney Lane to the north, The Oxford Business Centre to the West, Royal Mail Sorting Office to the East and open land to the south (**appendix 1**).
2. The site lies within the West End area of the city and forms part of the larger Oxpens site which lies between Oxford Railway Station, Westgate Centre and the River Thames. The site has been identified as an area suitable for delivering much needed housing, offices, research and development space, local amenities and public open space.
3. The site would constitute previously developed land and currently has a temporary car park and contractor's compound for the Frideswide Square improvements operating from within it. The site in question relates to a small piece of vacant land (0.3ha) at the southern end of the land, behind the temporary car park and contractors compound. It is formed from scrub vegetation and gravel.
4. The application was initially seeking temporary planning permission for 3 years as a construction compound in association with construction works for the Westgate development permitted under references 13/02557/OUT and 14/02402/RES. The applicant has subsequently confirmed that the permission is only required until the 31.12.2017 when the works are due to be completed.
5. The compound will incorporate a storage area, site offices, welfare facility, parking area and access from Osney Lane. The proposal will also include connection to the relevant utilities and the provision of a pedestrian access across to the Oxpens car park.
6. Officers consider the principal determining issues to be:
  - Principle of temporary buildings;
  - Site Layout and Built form
  - Transport;
  - Trees;
  - Flood risk and drainage;
  - Biodiversity; and
  - Contaminated Land

## **Principle of Temporary Buildings**

7. The National Planning Policy Framework encourages the efficient use of previously developed land. This is also supported by Oxford Core Strategy Policy CS2 and Oxford Local Plan Policy CP6. The proposal would seek to make an efficient use of this vacant part of the site albeit for a temporary period.
8. Oxford Local Plan Policy CP25 states that planning permission will only be granted for temporary buildings where short-term need has been clearly demonstrated, such as in connection with major site development work. The policy goes on to state that permission will only be granted for temporary buildings where they would:
  - (a) adversely affect visual attractiveness, trees, or parking provision; and
  - (b) proposals do not adequately address where appropriate: landscaping; noise insulation; access for people with disabilities; relationship to existing buildings; prejudice future developments; access points; or provide suitable external appearance
9. The compound is linked to the construction works for the Westgate redevelopment which are currently under way. The compound will provide approximately 806m<sup>2</sup> of office space and associated facilities to accommodate approximately 100 staff from the Laing O'Rourke management team.
10. The proximity of the compound to the construction site is a sustainable option as it provides safe and convenient facilities close to the redevelopment works which enable the management team to monitor the works; control and engage with the workforce and supply chain; and deal with any emergencies that may arise and need immediate decisions.
11. In terms of the general principle of development, officers consider that there is a clear short-term need for these arrangements as part of operational requirements for the major site redevelopment work which would be consistent with the aims of Policy CP25. The suitability of the site and the proposed works will be subject to the relevant criteria of the policy which will be discussed below.
12. The policy also states that permission for temporary buildings will be subject to planning conditions that requires the removal of the buildings within a specified time period. The Westgate Development is scheduled to open in December 2017, and the applicant has agreed that the temporary permission would not be needed beyond the 31.12.2017. This could be secured by condition. In the event that there were any delays with the build programme for the Westgate centre, a further temporary permission could be sought to extend the temporary building beyond this period.

## **Site Layout and Built Forms**

13. The proposed site plans set out the layout for the compound. This will be sited alongside the existing Skanska Compound which is being used by the contractors for the Frideswide Square highway improvements. The layout will comprise an

office building measuring 42m (l) x 9.6m (w) x 6m (h) in the eastern portion of the site. To the front there will be a car park with 6 bays (including 1 disabled), bicycle parking; bin store area; crane base/expanded concrete sample area; client mock up area; and expanded compound.

14. Having reviewed the submitted plan, the site layout seeks to make the best use of the site and provide a link between the main vehicular access to the front of the compound and the pedestrian access through the Oxpens car park. The site is located in an area with limited public views and as such the overall size and scale of the office portacabins building would not appear out of place within the setting especially when viewed against the other commercial buildings. The portacabin is a functional structure whose appearance is reflective of its temporary nature and would not have an adverse impact upon the visual attractiveness of the area given they would only be installed during the construction phase of the Westgate development and would be viewed against the backdrop of those work. As such the proposal would accord with the general aims of Oxford Local Plan Policy CP25 and Oxford Core Strategy Policy CS18

## **Transport**

15. A Transport Assessment has been submitted with the application. The Local Highways Authority have raised no objection to the proposal in highway terms
16. Traffic Generation: The site is in a sustainable location accessible by foot particularly with the proposed connection to the temporary Westgate car park, which is welcomed, cycle and public transport. The applicant has confirmed that staff car parking will not be provided on site and therefore it is expected that staff will travel by alternative modes of transport. The 6 visitor car parking spaces that are proposed will be managed through a booking system. The proximity of the site to public transport links such as the railway station mean that visitors will be able access the site by public transport where possible.
17. Construction Vehicles Access: The Transport Statement indicates that up to 10 Heavy Goods Vehicles (HGVs) are expected daily as a lay-over before accessing the main construction site A swept path analysis for a 16.5 metre articulated lorry turning left from Becket Street (East) into the compound has been provided. The swept path analysis shows that the vehicle is likely to overrun the kerb at the site access. Any damage to the public highway will need to be remedied at the applicant's cost. Additional information, as requested by the Highway Authority, has been submitted by the applicant showing the swept path analysis of a 16.5 metre articulated lorry accessing the site from the northern end of Becket Street. Due to the alignment of Becket Street (presence of a sharp bend), a vehicle of this size would traverse into the opposite side of the carriage compromising highway safety. The applicant has confirmed that all construction vehicles will be instructed to access the site from Becket Street (East) via Hollybush Row and Oxpens Road. This is welcomed and should be supported by a signage strategy.
18. Car and Cycle Parking: The proposal will not provide any off-street parking provision for staff on site. The sustainable location of the site would make this acceptable. The 6 parking spaces to be provided (including one disabled parking

bay) are for visitor use only. The turnover in usage of the visitor spaces is expected to be high. A booking system will be operated to allocate spaces to visitors in advance and where necessary visitors will be directed to nearby public car parks.

19. A total of 23 cycle parking spaces are proposed which will encourage staff and visitors to travel by cycle to the temporary accommodation. The usage of the cycle parking spaces should be monitored through the operation of the site to gauge if demand calls for additional cycle parking to be provided on site. This could be secured by condition.
20. The provision of 23 cycle parking spaces with the proposed development is supported and will encourage staff and visitors to travel by cycle to the temporary accommodation. The Highways Authority have suggested that a condition be attached which monitors the usage of the cycle parking spaces during the operation of the site, to gauge if demand calls for additional cycle parking to be provided on site. This is not considered reasonable as there is adequate cycle parking provision on site.
21. Having reviewed the Transport Statement and the comments of the Local Highways Authority officers consider that the proposed temporary arrangements will not have an adverse impact upon accessibility to the city centre or highway safety subject to appropriately worded conditions. The arrangements would therefore accord with the aims of Oxford Local Plan Policy CP1 and TR14 and West End Area Action Plan Policy WE25.

### **Noise Impact**

22. The site is located some 60 metres from the closest residential properties in Gibbs Crescent, which is also separated from the site by the main rail line and Oxford Business Centre. The proposal would not be considered to give rise to any significant noise effects from the use of the compound during this temporary period.

### **Archaeology**

23. An Archaeological Desk Based Assessment has been submitted with the application. Having reviewed this document and the Historic Environment Record, officers conclude that the scheme is too small-scale to have significant archaeological implications in this location.
24. The site is of interest because there is a possible historic route way (one option for the medieval western approach to the town) crosses the site however the proposed works in this part of the site (a cable trench) is relatively small scale and has already been undertaken. As such officers consider that no further archaeological work is necessary.

## **Trees**

25. An Arboricultural Survey and Tree Protection Plan have been included with the application. The survey has identified two trees of moderate quality on site (Hybrid Poplar and Crack Willow) and four other trees of low quality that are unsuitable for retention. The Tree Protection Plan indicates that all trees are to be retained on site, and provided protection measures for these trees.
26. Having regards to the proposal, officers consider that subject to a condition requiring these tree protection measures to be implemented on site then officers would consider that the proposal is acceptable in arboricultural terms in accordance with Oxford Local Plan Policies CP1 and NE15.

## **Flood Risk and Drainage.**

27. A Flood Risk Assessment has been included with the application. The site itself is located within Flood Zone 1, although the proposed pedestrian access to the east is within Flood Zones 2 and 3. In order to facilitate the access between the Oxpens Car Park and the compound a raised footpath is to be constructed to set the ground level above the 1 in 100yr flood level and protect the route from flooding. The provision of a bund would have potential to divert flood flows elsewhere, however the probability of this occurring within the life of the temporary permission is considered to be extremely low. In order to mitigate the impact, the bund will have a number of pipes installed at its base in order to enable a conveyance route for flood waters in order to reduce the volume of flood storage lost by the bund.
28. The Environment Agency has raised no objections to the recommendations of the flood risk assessment, and as such officers consider that the proposal would accord with the aims of Oxford Core Strategy Policy CS11.
29. In terms of drainage, permeable surfacing is to be used within the compound in order to maintain the existing situation whereby surface water discharges to the ground. In order to mitigate pollution from the car park, a filter drain will be provided along the southern edge of the car park in order to attenuate rainwater before it discharges into the existing ground. The Oxfordshire County Council Drainage Authority has agreed these details and recommends that a condition be imposed to ensure that they are implemented as proposed.

## **Biodiversity**

30. An Ecological Site Walkover Survey has been undertaken for the development to assess the ecological value of the site.
31. The application is in close proximity to Magdalen Grove and New Marston Meadows SSSI, Port Meadow with Wolvercote Common & Green SSSI, and Oxford Meadows Special Area of Conservation. Natural England is satisfied that there will be no damage to these statutory nature conservation sites subject to the application being carried out in accordance with the details in the application.



32. The survey found that the site has low ecological value containing common and widespread species with no evidence of any protected or notable species found on site. As such officers are satisfied that the proposal will not give rise to any biodiversity impacts in accordance with Oxford Core Strategy Policy CS12.

### **Contaminated Land**

33. A Preliminary Environmental Risk Assessment has been submitted with the application. The report constitutes a desk study and preliminary risk assessment and meets the requirements of phase 1 of a phased risk assessment as set out in the Environment Agency's CLR11- Model Procedures for the Management of Contaminated Land.

34. The above report has identified several potential sources of land contamination on site, including bunds in the northern and western areas of the site containing potentially hazardous waste, empty gas cylinders and underlying Made Ground, and in the surrounding areas including a service station and dry cleaner. Further, this site was formerly part of railway sidings used to transport fuel to fuel depots located on Osney Lane and the surrounding area and therefore is likely to contain remnants of the former rail infrastructure and potential associated contamination which may pose a risk to human health, groundwater, and buildings and services without appropriate remediation or mitigation.

35. The report acknowledges that the Council has recommended further inspection should the site be redeveloped in a recent environmental search for the site, but concluded that an intrusive investigation is not necessary for this planning application because it is not a permanent development. Although officers would agree with the recommendation to remove the waste materials identified onsite, the other recommendations in the report do not adequately address the risk of this development with regard to human health. As this development requires excavation of the Made Ground on site for foundation building, there is a risk to human health, specifically the site workers, which standard protective equipment may not protect against. For these reasons, and the likelihood of potential contamination association with this site due to previous uses, officers would not agree with the conclusion that an intrusive investigation is not necessary in this instance. As such officers would recommend that a condition requiring a phased risk assessment is attached to any planning permission in accordance with Oxford Local Plan Policy CP22.

### **Conclusion:**

36. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and West End Area Action Plan and therefore officer's recommendation to the Members of the West 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 planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Contact Officer:** Andrew Murdoch

**Extension:** 2228

**Date:** 23rd July 2015