

# Agenda Item 5

Planning Review Committee

2<sup>nd</sup> June 2011

**Application Number:** 11/00242/CT3

**Decision Due by:** 21st April 2011

**Proposal:** 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)

**Site Address:** Blackbird Leys Leisure Centre (**site plan: appendix 1**)

**Ward:** Blackbird Leys Ward

**Agent:** Deloitte LLP (Trading As Drivers Jonas Deloitte)

**Applicant:** Oxford City Council

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At the Strategic Development Control Committee meeting on the 28<sup>th</sup> April 2011, Members resolved to support the application, subject to the completion of a legal agreement securing highway improvements, and appropriate conditions.

The application was subsequently called-in to the Planning Review Committee by Councillors Goddard, Brown, Jones, Wilkinson, Mills, Campbell, Fooks, Brundin, Armitage, Brett, Wolff, Benjamin, and Morton on grounds of non-conformity with PPS1 and PPS4, and the need for fuller consideration of the conditions that might be applied to any permission.

This cover report will provide further clarification of these matters and should be read in conjunction with the officer's report dated 12<sup>th</sup> April 2011 attached as **appendix 2**

## **PPS1: Delivering Sustainable Development**

1. PPS1 identifies Sustainable Development as the core principle underpinning planning, and states that this is achieved through facilitating and promoting sustainable and inclusive patterns of development through the efficient use of resources; good high quality design; and taking account of climate change over the lifetime of the development. It also states that

leisure uses should be located in sustainable locations that are accessible for the community in order to encourage social cohesion and sustainable economic development.

2. As set out within paragraph 12 of the officers report (**appendix 2**), the Oxford Core Strategy 2026 is the overarching document that sets out the spatial planning framework for Oxford up to 2026. This was adopted in March 2011 and is consistent with current national planning policy such as PPS1.
3. The Core Strategy 2026 acknowledges that despite the Oxford Indoor Facilities Study finding that the current swimming pool and sports hall provision within the city exceeds calculated demand, the potential for a competition size swimming pool would be investigated over the life of the plan, and this will preferably be located within the south of the city.
4. Policy CS21 of the Core Strategy encourages development that improves existing indoor and outdoor sports facilities. The proposal would make an efficient use of an existing resource while enhancing the recreational facilities within the existing leisure centre, and meeting the strategic aim to provide an improved competition standard pool for the south east of Oxford and wider area. The existing leisure centre to which the pool would be an extension is also located within the Blackbird Leys District Centre which Policy CS1 of the Core Strategy identifies as being a sustainable and accessible location, which should be the focal point of social and community activities such as leisure uses. It is also part of the Blackbird Leys Regeneration Area, whereby Policy CS3 of the Core Strategy recognises improvements to leisure provision as a key part of regeneration.
5. The proposed development has been designed to a high standard both in terms of its internal and external appearance, but also in terms of environmental improvements to the wider area. Furthermore in accordance with Policy CP18 of the Oxford Local Plan 2001-2016 a Natural Resource Impact Analysis has been included with the application demonstrating that the building would be highly energy efficient generating a minimum of 20% of energy used within the building, through a combined heat and power system and biomass boiler; a 5% improvement on the minimum requirements of part L of the building regulations; and also being highly efficient in terms of water resources.
6. Therefore for the reasons set out above, officers consider that on its own merits the proposal would be consistent with the aims and objectives of PPS1 and the current development plan policies of the Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016.

#### **PPS4: Planning for Sustainable Economic Growth**

7. A statement was submitted with the application which in accordance with PPS4 included a sequential and impact assessment for the proposed

competition pool.

8. The sequential test focussed on the availability, suitability, and viability of sites within the following centres – City Centre, Cowley District Centre, and Blackbird Leys District Centre – that were large enough (greater than 0.5ha) to accommodate a competition pool and the necessary external infrastructure to determine whether there were any sequentially preferable sites for the proposed development.
9. The sequential test identified a total of 16 sites within these centres that met the search criteria. A list of the sites can be found in **appendix 3** of this report, and were assessed in accordance with the advice contained within the PPS4 practice guidance. The sites were discounted as they were unsuitable, unavailable, and/or not viable for the proposed new pool use and as a result no sequentially preferable sites to the application site were found to accommodate the proposed development.
10. The PPS4 statement also included an impact assessment for the proposal which assessed the impacts of the proposal upon the catchment area; the economic and regeneration impacts; and other impact considerations such as whether the development was of an appropriate scale, whether it planned for climate change, accessibility, and is of a high quality inclusive design.
11. The assessment concluded that the proposal would not have any significant impacts, but would instead help deliver a number of important economic, regeneration and community benefits to the local area, which has been identified within the Oxford Core Strategy 2026 as one of the priority regeneration areas within the city. It would also be acceptable in terms of the other impacts identified within PPS4 such as sustainability, design, scale, and accessibility.
12. Therefore officers consider that the general principle of development would meet the aims and objectives of national planning policy in the form of PPS4 and the current development plan policies of the Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016.

### **Conditions**

13. The officer's report sets out the suggested conditions for the proposed development, and Members of the Strategic Development Control Committee also resolved to add a separate condition requiring a management plan to be provided for the pool. Officers would make no further suggestions in relation to conditions.

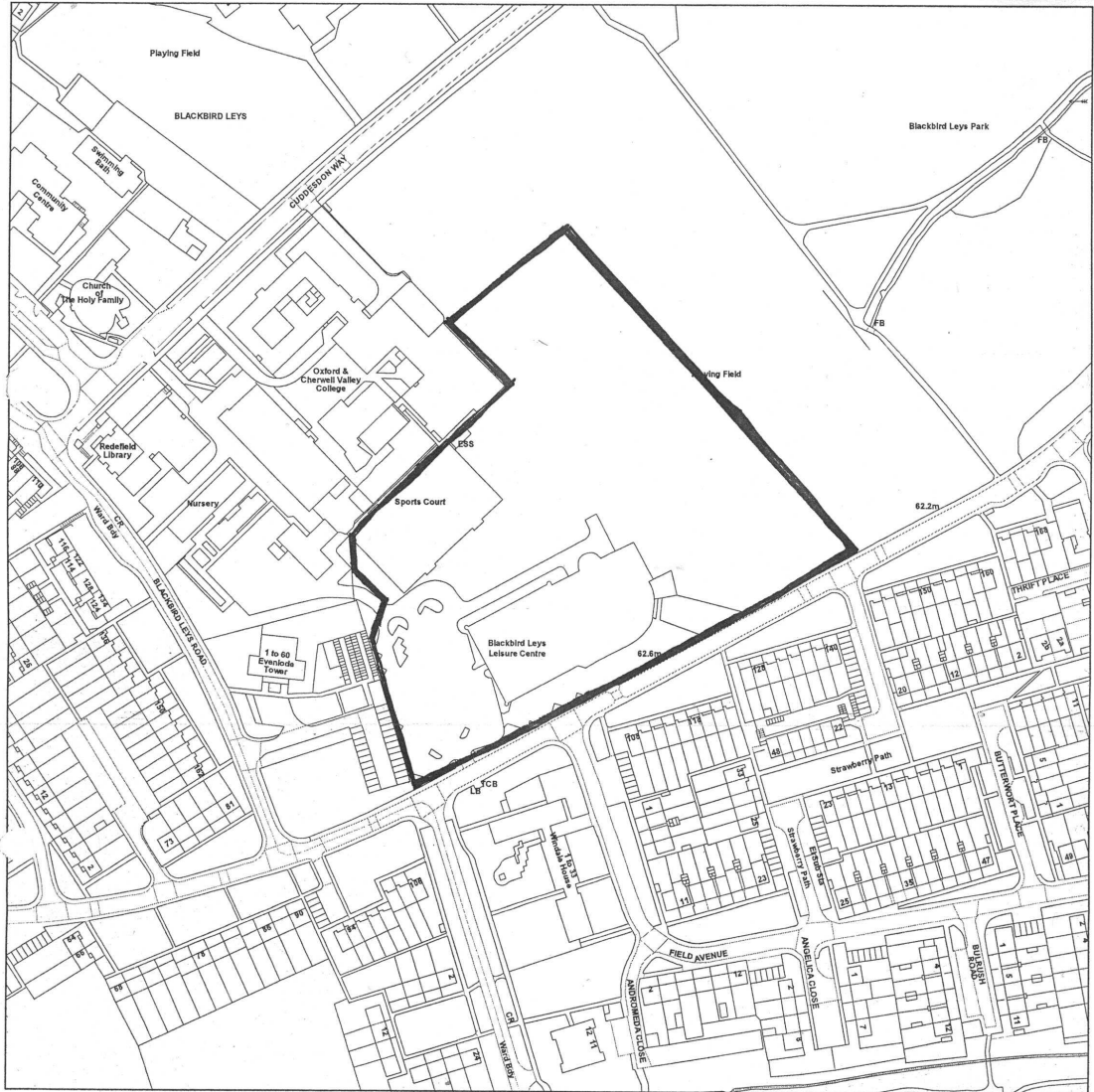
**Contact Officer:** Andrew Murdoch

**Extension:** 2228

**Date:** 12th April 2011

# Appendix 1

## Blackbird Leys Leisure Centre



Scale : 1:2476



<b>Organisation</b>	Oxford City Council
<b>Department</b>	Planning Control
<b>Comments</b>	
<b>Date</b>	24 March 2011
<b>SLA Number</b>	100019348

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## **Appendix 2**

**Strategic Development Control Committee**

28<sup>th</sup> April 2011

**Application Number:** 11/00242/CT3

**Decision Due by:** 21st April 2011

**Proposal:** 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)

**Site Address:** Blackbird Leys Leisure Centre (**site plan: appendix 1**)

**Ward:** Blackbird Leys Ward

**Agent:** Deloitte LLP (Trading As Drivers Jonas Deloitte)

**Applicant:** Oxford City Council

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This cover report should be read in conjunction with the officer's report dated 23<sup>rd</sup> March 2011 attached as **appendix 2**

14. At the South East Area Committee meeting on the 4<sup>th</sup> April 2011, Members resolved to support the application, subject to the following comments being taken into account.

- (a) The materials used on the exterior of the building should be specified in order to produce a more interesting appearance;
- (b) There should be conditions attached to the Section 106 highway contributions requiring them to be spent in the local area and especially on parking facilities for residents;
- (c) The line of the new building should be moved back in order to bring it in line with the existing structure;
- (d) SDCC was asked to request a management plan that would govern the opening hours of the facility, whether or not it would be a licensed premises (which the Area Committee did not favour), and the amount

of time that the general public could expect the new pool to be open to them for their use;

(e) Concern remained about traffic congestion in the vicinity. Where possible, any negative impact upon Pegasus Road should be ameliorated.

15. The applicant has provided a brief report which provides a response to the items identified by the South East Area Committee. The details of this report are summarised below.

### **Materials**

16. The proposed building will comprise three core materials, a standing seam aluminium roof system, timber cladding, and curtain wall glazing. An area of render will be used at the rear of the building.

17. The roof system will employ a standing seam aluminium roof, the colour of which will be agreed with officers. The preference is for a mid-grey tone to be used as this will weather better than a lighter tone. The mid-grey option would be lighter than the tone shown on the proposed elevations.

18. The timber cladding would be used at the ends of the building to provide interest to these facades. It is proposed to use a western red cedar which will give the building a natural appearance, and will weather to a silver grey over time.

19. The curtain walling will be clear double glazing which will have a seamless appearance, and be employed in the Pegasus Road elevation to give the impression that the building floats above the embankment. Above this horizontal band of glazing, four further glazed elements rise vertically and extend into roof lights

20. Officers consider that the proposed materials will provide the building with an interesting appearance especially in comparison to the existing leisure centre building. The materials used within the scheme could be appropriately secured by condition.

### **Siting of the Building**

21. The pool building has been positioned slightly forward of the existing leisure building in order to reinforce the new entrance to this new public facility. This allows views into the pool hall from the approach, and better circulation between the wet and dry leisure facilities, café, and spectator areas. The position of the building also allows for better servicing arrangements at the rear.

22. The pool building would only be sited approximately 3.2m forward of the existing leisure centre and its entrance. As stated in the officers report (**appendix 2**) there is considerable separation distance between the

building and the nearest property on the southern side of Pegasus Road. The terraced rows of these properties are angled away from the road frontage, and separated by grass verges with mature trees within.

23. Therefore officers consider that the position of the building would be unlikely to have a significant impact upon the amenities of these properties in terms of overbearing impact and loss of light. However realigning the building albeit by a marginal amount would have more significant impact on the internal arrangements for the centre, in terms of reducing the views into the pool hall from the entrance, the relationship of the dry and wet facilities, and also servicing, and overall budget costs for the project.

### **Management Plan**

24. A management plan for the facility could be secured by an appropriately worded condition, and this could cover opening hours, public availability for the swimming pool, licensing arrangements, and traffic management on competition days.
25. The opening hours would be the same as the existing leisure centre (6am-10pm Mon-Fri/Weekends/Bank Holidays), and although a timetable for use of the pool is yet to be developed it is not intended to restrict access for the public at anytime wherever possible, while also catering for particular groups such as women's only sessions.
26. This plan would also include traffic and car parking management arrangements on competition days, in order to minimise any impact on the surrounding road network such as Pegasus Road.

### **Highways Contributions**

27. The Local Highways Authority has requested £192,850 towards highway and traffic management improvements within the local area.
28. The applicant would fully support the principle of spending these contributions within the local area, and has tabled a list of highway works with the Local Highways Authority for discussion. These include removal and upgrade of the traffic calming scheme on Pegasus Road; speed detection and display signage; additional on-street residential car parking; bus stop improvements including real-time display; and other works.
29. The Local Highways Authority is yet to agree the scope of these works, but accept the general principle of the contributions being applied to the local area and therefore the matter could be discussed further while the legal agreement is being completed.

### **Matters of Clarification**

30. In the interests of clarity, Officers would advise Members that the number of existing and proposed car parking spaces as specified within the committee

report (**appendix 2**) should be corrected. The number of existing car parking spaces are 78 (including 5 disabled) whereas the proposal would provide 121 spaces (including 7 disabled spaces).

**Contact Officer:** Andrew Murdoch

**Extension:** 2228

**Date:** 12th April 2011



**South East Area Committee**

4<sup>th</sup> April 2011

**Strategic Development Control Committee**

28<sup>th</sup> April 2011

**Application Number:** 11/00242/CT3

**Decision Due by:** 21st April 2011

**Proposal:** Extension to existing Blackbird Leys Leisure Centre to provide 25m swimming pool, learner and fun pool 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.

**Site Address:** Blackbird Leys Leisure Centre (**Site Plan: Appendix 1**)

**Ward:** Blackbird Leys Ward

**Agent:** Deloitte LLP (Trading As Drivers Jonas Deloitte)

**Applicant:** Oxford City Council

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**Recommendation:**

1. The South East Area Committee is recommended to support the proposal subject to the completion of a legal agreement in the terms outlined below, and appropriate conditions
2. The Strategic Development Control Committee is recommended to grant planning permission subject to the completion of a legal agreement in the terms outlined below, and appropriate conditions

**Reasons for Approval:**

- 1 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:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials
- 4 Landscape plan required – including external lighting / CCTV
- 5 Landscape hard surface design - tree roots
- 6 Landscape underground services - tree roots
- 7 Tree Protection Plan (TPP) 1
- 8 Arboricultural Method Statement (AMS) 1
- 9 Ecological Mitigation Measures
- 10 Archaeology - mitigation
- 11 Full Travel Plan
- 12 Construction Traffic Management Plan
- 13 Details of Parking Area
- 14 Details of Cycle Parking
- 15 Widening of vehicular access
- 16 Noise Limits
- 17 Details of scheme for cooking odours
- 18 NRIA Measures
- 19 Details of Flood Risk Assessment carried out
- 20 Sustainable Urban Drainage Scheme
- 21 No infiltration of Surface Water Drainage
- 22 Remediation strategy for Contaminated Land
- 23 Details of Public Art

S106 Legal Agreement:

- £192,850 towards highway and traffic management improvements in the area

**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
- CP14 - Public Art
- CP15 - Energy Efficiency
- CP18 - Natural Resource Impact Analysis
- CP19 - Nuisance
- CP20 - Lighting
- CP21 - Noise
- TR1 - Transport Assessment
- TR2 - Travel Plans
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- NE15 - Loss of Trees and Hedgerows
- HE2 - Archaeology
- HS19 – Privacy and Amenity
- SR2 - Protection of Open Air Sports Facilities
- DS10 - Blackbird Leys Road - Regeneration Zone

**Oxford Core Strategy 2026 – Adopted Version**

- CS1 – Hierarchy of Centres
- CS3\_ - Regeneration areas
- CS9\_ - Energy and natural resources
- CS11\_ - Flooding
- CS13\_ - Supporting access to new development
- CS17\_ - Infrastructure and developer contributions
- CS18\_ - Urban design, town character, historic environment
- CS19\_ - Community safety
- CS21\_ - Green spaces, leisure and sport

**Other Material Considerations:**

- PPS1: Delivering Sustainable Development
- PPS4: Planning for Sustainable Economic Growth
- PPG13: Transport
- PPG17: Planning for Open space, Sport, and Recreation
- PPS25: Development and Flood Risk
- Natural Resource Impact Analysis Supplementary Planning Document
- Parking Standards, Transport Assessment, and Travel Plans Supplementary Planning Document

- Planning Obligations Supplementary Planning Document

**Relevant Site History:**

68/21021/A\_H - Erection of a sports hall for educational and public use at Redefield School: Approved

83/00036/NF - Extension to existing building to form training hall: Approved

81/00514/GF - Adjacent to Redefield Sports Hall Pegasus Road - Change of use of part of school playing field to adventure playground and erection of building to serve as an indoor facility: Withdrawn

81/00713/GF - Change of use of part of school playing field to adventure playground and erection of building to serve as an indoor facility (revised): Withdrawn

87/00010/GF - Demolition of single storey ancillary buildings to sports hall and erection of two storey extension: Deemed Consent

04/01888/CT3 - Extension to Leisure Centre: Deemed Consent

05/02245/CT3 - Extension and alterations to leisure centre, external condensers (x10). (Variation to permission 04/01888/CT3): Approved

10/00325/CT3 - Refurbishment of existing main entrance including the re-modelling of the entrance doors. Insertion of 5 opening roof lights in the entrance/reception area to replace 5 existing non-opening roof lights: Approved

**Representations Received:**

Letters of comment have been received from the following addresses, these comments are summarised below.

108, 114, 122, 134, 136, 138, 140, 142 152, 154, 162, 315 Pegasus Road; 3 Crescent Close; 34, 67 Crescent Road; 7a Littlehay Road; 20 Long ground; Flat 24 Potters Court; 8 St Christopher's Place; 33 Coltsfoot Square; 43, 45 Dene Road; 20 Tawney Street; 20 Wilkins Road; 72 Gidley Way, Horspath; 140A Oxford Road, 341 Meadow Lane, 128 Church Road; 88, 90 Temple Road; Room 2E Block B Paul Kent Hall; 40 Butts Road, Horspath; 7 Whitson Place; 43 Courtland Road; 13 Parsons Place; 396 Woodstock Road; 173 Morrell Avenue; 37 Kirk Close

*Loss of Temple Cowley Pool / Blackbird Leys Pool*

- This proposal results in the loss of Temple Cowley Pools and Fitness Centre and Blackbird Leys Pool
- The health of a number of users of Temple Cowley Pool will be affected by its removal
- The loss of Temple Cowley Pool will result in the loss of a community facility which will be contrary to Policies CS21 of the Core Strategy and

#### Policy SR1 of the Local Plan

- The loss of Temple Cowley Pool will reduce the support and demand for development in Between Towns Road which would not enable the Council to satisfy Policy DS8 of the Local Plan
- There are a number of complimentary facilities next to Temple Cowley Pool which Blackbird Leys does not offer such as library, doctors' surgery, national records office and alternative health centre.
- The Blackbird Leys Swimming Pool offered free swimming to the elderly, and is small and offers privacy
- The decision to close Temple Cowley Pools represents an infringement of Human Rights
- There has not been sufficient consultation with the Oxford 50+ network as to their needs and requirements

#### *General Matters*

- The pool would not be in a sustainable location or more sustainable than Temple Cowley Pool and therefore does not meet the Council's commitment to reducing the need to travel (Policy CP3, CP10(a) of the Local Plan and Policy CS14 of the Core Strategy)
- The strategic selection of the site has not been implemented through a sequential strategy, as Temple Cowley Pool has been excluded and this is on the edge of the Cowley Centre which is a district centre designated above Blackbird Leys
- The proposal would not make good use of the land
- The pool may be located in an area of deprivation, but would be better placed where people from a number of other areas could access it
- The proposed site would not be in the Blackbird Leys Regeneration Zone (Policy DS10)
- The proposal will result in the loss of green space from the park
- The increased traffic will cause light disturbance, pollution, and impact on air quality for local residents
- The pool should be sited on the opposite side of the playing fields where there are no residential properties
- The proposal will result in the loss of trees and increase flood risk
- The pool will be directly in front of the Pegasus Road properties which will cause a lack of privacy and loss of light
- The new building will be an eyesore for residents on Pegasus Road
- The scheme will provide competitive swimming meaning that local people will have limited access to the facility.
- The new pool will not give enough sessions to 'women only' swimming and the proposed blinds will not provide enough privacy.
- There will not be enough privacy in the changing rooms.
- The pool will be colder than the Blackbird Leys and Temple Cowley Pool
- There will not be a diving pool within the building, and so the one at Temple Cowley will be lost
- The pool will not cater for the Muslim community due to the lack of privacy in the changing rooms

### *Transport Matters*

- The pool is designed for competitive swimming and this will increase traffic generation in the area
- The general use of the pool will generate up to 1,000 visits per week in and out of the estate, whilst some will walk or cycle, most will travel by car which will increase the volume of traffic in this residential area making access to the new pool and estate difficult
- Oxford already suffers from congestion and any development that encourages significant trips by car or bus should be refused unless there is a transport plan that takes into account future proposed development.
- There is not enough car parking within the site
- The site will be difficult to access for those without cars and not on a direct bus route
- The site is not well served by public transport as there are only two bus services and therefore the proposal would be contrary to Policy SR3
- The transport and travel plans are inadequate as they make no provision for Temple Cowley users
- There are no plans to improve road access, access for cyclists and pedestrians and to ensure better public transport services.
- The cycle paths to Blackbird Leys are unnerving to cyclists and the stands at the leisure centre are not highly accessible
- The Travel Plan for the site does not have clear objectives, targets or a monitoring or review procedure contrary Policy TR2 of the Local Plan

### **Statutory and Internal Consultees:**

Sport England: No objection to the application subject to the condition that the development is carried out as proposed with the provision of a 25m eight lane swimming pool

Oxfordshire County Highways Authority: No objection in principle – see Highway Matters section.

Environment Agency: No objections to the proposal subject to the condition that the development is carried out in accordance with the Flood Risk Assessment by Curtins Consulting; a sustainable urban drainage system for the development is provided; no infiltration of surface water drainage into ground is permitted without prior approval; remediation for any unsuspected contamination.

Thames Water Utilities Limited: No objection to the proposal

Oxford Access Planning Group: A loop system should be provided at reception

### **Community Engagement:**

A Consultation Statement prepared by Drivers Jonas Deloitte setting out the community engagement that has been undertaken prior to the submission of the application. The consultation consisted of a number of different elements:

- A city wide survey
- Public open sessions;
- Focus groups; and
- Design boards and comment cards

This was promoted through various forms of media such as the Oxford City Council website; several Press releases; coverage in the Oxford Mail and on radio and television; posters to community centres, surgeries, libraries and sports centres; direct emails; and key groups such as the Community Sports Network.

According to the statement the majority of the feedback from consultation has been positive towards the proposal, and issues raised have been fed into the design process.

#### **Issues:**

- Principle of Development
- Improvements to Indoor Sports Facility
- Visual Impact
- Impact upon adjoining properties
- Highway Matters
- Trees
- Flood Risk
- Sustainability
- Archaeology
- Public Art / Environmental Improvements

#### **Officers Assessment:**

#### **Site Location and Description:**

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.
3. The site is accessed via the 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.

## **Proposal:**

4. The proposed development would provide a new competition standard swimming pool as an extension to the existing leisure centre. The works would include the following
5. The creation of a new swimming pool building of approx 2,530m<sup>2</sup> comprising a 25m competition pool with moveable floor, together with spectator seating, wet changing facilities, separate fun pool and learner pool, plant room and the creation of a foyer linking the pool building to the existing centre.
6. The reconfiguration of the existing Leisure Centre building, including internal alterations to the entrance and reconfiguration of spaces.
7. The layout of the car park would be altered to provide 128 parking spaces (including 7 disabled spaces), while the existing vehicular access onto Pegasus Road would be widened. There would also be 50 cycle parking spaces provided along the frontage.
8. Other works include new and enhanced site infrastructure including a sub-station, lighting, servicing and maintenance routes around the building, underground biomass waste storage facility, an underground attenuation tank for the pool; and the removal of a number of trees along the Pegasus Road frontage.

## **Blackbird Leys Pool / Temple Cowley Pool**

9. During the statutory consultation process a number of representations have been made regarding the impact of the proposal upon Temple Cowley Pool and Blackbird Leys Pool.
10. It should be recognised that the Council's planning functions and property management functions are distinct and separate. The planning application before the Committee is for a new pool at Blackbird Leys and should be assessed purely on its own planning merits. Any comments received, regarding Temple Cowley pool and its possible closure, are not relevant in relation to this application and should not be considered when determining the application.

## **Principle of Development**

11. In terms of national planning policy, both PPS1: Delivering Sustainable Development and PPG17: Planning for Open Space, Sport, and Recreation encourage leisure facilities to be located in suitable locations that are accessible for the community. While PPS4: Planning for Sustainable Economic Development states that leisure uses should be directed to existing centres, with the aim of offering a wide range of services to communities and make provision in areas with poor access to facilities.



12. The adopted Oxford Core Strategy 2026 is the overarching document that sets out the spatial planning framework for Oxford up to 2026. According to this document the site is located on the edge of the Blackbird Leys District Centre and Regeneration Area, with the existing leisure centre located within their boundaries.
13. The Core Strategy identifies the Blackbird Leys District Centre as a mixed-use centre, which will have a different character to other established centres, in order to act as a catalyst and focal point for regeneration and the community. It is considered to be a sustainable location well served by public transport to the city centre, via Cowley Centre, and easily accessible by walking or bicycle from the surrounding residential area. In particular, Policy CS1 acknowledges that these centres are appropriate locations for a number of uses, including leisure.
14. More importantly Policy CS3 identifies Blackbird Leys as one of the five priority areas for regeneration within the City. The preamble to this policy sets out the strategy for this regeneration, and identifies improvements to sports and leisure facilities, including a swimming pool as one of the more specific aims.
15. In accordance with PPS4, a sequential test and impact assessment for the site has been provided by Drivers Jonas Deloitte. The assessment suggests that the pool will serve the local area but also have wider appeal serving the entire City. The sequential test has been undertaken for the City centre, Cowley Primary District Centre and Blackbird Leys District Centre, and the approach adopted would accord with the guidance in PPS4 although it is acknowledged that this was carried out prior to the adoption of the Core Strategy.
16. The statement concludes that there are no sequentially preferable sites that could be used to accommodate the proposed development, and that the location will not have a significant impact upon any of the centres assessed and respects all other criteria identified in PPS4 such as those relating sustainability, design, scale, and accessibility.
17. In light of the above, it is clear that the proposed development would help deliver a number of important regeneration and community benefits to the local area, which would be consistent with the aims and objectives PPS1, PPS4, and PPG17 and the strategic objectives of Policies CS1 and CS3 of the Oxford Core Strategy 2026

### **Improvements to Indoor Sports Facility**

18. The proposal seeks to provide a 25m competition pool with moveable floor, together with spectator seating, wet changing facilities, separate fun pool and learner pool, as an extension to the existing Blackbird Leys Leisure Centre.

19. In terms of indoor sports, Policy CS21 of the Core Strategy acknowledges that improvements to indoor and outdoor sports facilities will be sought in accordance with Policy CS17 which covers infrastructure and developer contributions. The Oxford Local Plan 2001-2016 makes clear in Policy CP6 that development proposals should make an efficient use of land, while Policy SR2 states that permission will not be granted for development proposals that result in the loss of open-air sports facilities.
20. The Planning Statement prepared by Drivers Jonas Deloitte indicates that the Council carried out a review of leisure facilities in May 2009, which identified that there were no pool facilities which met modern competition standards within the City. The Oxford Core Strategy 2026 acknowledges that the potential for a competition size swimming pool will be investigated, and this will preferably be at a site within the south of the city.
21. The proposed development would provide an improved pool for the people of south east Oxford, as well as a competition standard pool for a wider area. As an extension to the existing leisure centre it would make an efficient use of land and also enhance the available recreational facilities within the centre creating a synergy between the leisure centre, pool and outdoor pitches. Although the extension would extend into part of the playing fields which are designated as a protected open-air sports facility it would not result in a significant loss of this space, and the number of pitches within the space would be maintained through reorientation.
22. During the consultation process a number of concerns have been raised relating to the operation of the pool and how it will disadvantage certain users. The facility will include three types of pool (competition, fun pool, and learner pool), and provide a balanced programme to ensure that all user groups are catered for (i.e. general users, elite swimmers, competitions, school groups, ethnic groups etc). The changing facilities provided will include village changing, and separate group changing areas, while full blackout blinds provided in order to provide privacy / seclusion in the pool where necessary. Overall it has been designed to be a modern, sustainable, and accessible facility that meets the standards of Sport England, Building Regulations, and the Equalities Act.
23. Overall, officers consider that the proposed development would satisfy the aims and objectives of Policies CS21 of the Oxford Core Strategy 2026, and Policies CP6 and SR2 of the adopted Oxford Local Plan 2001-2016.

### **Visual Impact**

24. The Oxford Core Strategy 2026, through Policy CS18 encourages development to demonstrate high-quality urban design by responding to the site and its surroundings; creating a strong sense of place; contributing to an attractive public realm and providing high quality architecture. The Local Plan supports these aims through Policy CP1 which requires new development to enhance the overall quality of the environment, and CP8 which states that the siting, size, scale, and massing of development

should be integrated with the built form and grain of the area in which it is sited.

25. The site is within the south-western corner of an area of Blackbird Leys Park, within the centre of the estate. This part of the open space is characterised by larger scale buildings such as the leisure centre, college buildings, and Evenlode Tower, with smaller scale residential dwellings on the opposite side of Pegasus Road that frame views from the open space.
26. The proposed building has been sited alongside the existing Leisure Centre in order to address the street, provide a more legible entrance, and better internal organisation of dry and wet activities. In terms of size, scale, and design the building would have a simplistic form with its monopitch roof that creates an appropriate visual relationship with the existing Leisure Centre, while the clear glazed strip at its base, strip windows within the frontage and use of glazing and timber cladding helps to break up the buildings facades.
27. The size, scale and design of the proposed pool building would accord with Policy CS18 of the Oxford Core Strategy 2026 and Policies CP1, and CP8 of the Oxford Local Plan 2001-2016.

#### **Impact upon adjoining properties**

28. Policy CP10 of the Local Plan requires development proposals to be sited in a manner which meets functional need, but also in a manner that safeguards the amenities of other properties. This is supported by Policy HS19 which states that development proposals should not increase the potential for overlooking into habitable rooms, noise intrusion, overbearing impact, or loss of sunlight or daylight.
29. The residential properties on the opposite side of Pegasus Road would stand to be most affected by the proposal. However given the separation distance (approx 25m) that exists between them across a public space, officers consider that the pool building would not have a material adverse impact upon these properties in terms of loss of light, outlook or sense of enclosure.
30. During the consultation process concerns have been raised that the proposal would result in a loss of privacy to these properties. However considering the dwellings currently front onto the public realm, it would be difficult to suggest that the proposed building would give rise to any increased overlooking of the frontages of these properties.
31. The Local Plan states in Policy CP19 that the permission will not be granted for development that causes unacceptable nuisance, while Policy CP20 requires development to reduce light pollution or light spillage while Policy CP21 that permission will not be granted for developments that give rise to unacceptable noise levels.

32. A noise survey and external lighting plan for the development has been submitted by Hoare Lea Acoustics. The Oxford City Council Environmental Health Department have raised no objection to these details, subject to conditions which restrict noise levels and ensure the lighting is provided as plan.

### **Highway Matters**

33. The Oxford Core Strategy 2026 supports access to new development, and in Policy CS13 states that permission will only be granted for development that prioritises access by walking, cycling, and public transport. Policy CP1 of the Oxford Local Plan 2001-2016 states that development should be acceptable in terms of access, parking, highway safety, traffic generation, and pedestrian and cycle movements.

34. The Core Strategy identifies that the Blackbird Leys District Centre is a sustainable location, with good access to public transport links to the city via Cowley Centre, and accessible to a large number of local residents by different modes of transport. Therefore the location of the site would accord with the general aims of Policy CS13.

35. In accordance with Policy TR1 of the Local Plan, a Transport Assessment prepared by Curtins Consulting has been submitted with the application, the scope of which was agreed with the Local Highways Authority prior to submission.

36. In terms of traffic generation, the Transport Assessment concludes that the proposed development would be likely to generate an average figure of 58 movements in the network peak hours. The Local Highways Authority agree with this figure and are satisfied that having regard to the location of the site, this amount of traffic can be accommodated on the local highway network.

37. The Planning Obligations Supplementary Planning Document [POSPD] identifies that for development proposals that generate significant levels of additional traffic a contribution will be required towards highway and traffic management improvements in the area. Having regard to the level of traffic generation within the proposed scheme the level of contribution sought by the POSPD in this case would be £192,850.

38. In accordance with Policy TR2 of the adopted Oxford Local Plan 2001-2016, a travel plan has been submitted for the proposed development. The details of this should be secured and agreed by condition.

39. The proposal would also include alterations to the existing car parking area to provide 128 parking spaces (including 7 disabled spaces). The number of parking spaces would be below the maximum parking standards as set out in Appendix 3 of the Local Plan 2001-2016. However the Transport Assessment submitted with the application indicates that the current car park is under used, and the proposed level of parking would be

3 times the capacity of the current car park and takes into consideration increased demand during competitions. The Local Highways Authority have indicated that on the basis of this information, and given the good accessibility of the site a reduction in the maximum parking standards would be acceptable in this regard and would accord with Policy TR3 of the Local Plan. The scheme also includes coach parking for 4 coaches for competition events, which comprise a drop-off / pick-up lay-by and area for two coaches to park. The Highways Authority has raised no objection to this aspect of the proposal subject to a condition that this is provided. A condition should be attached which requires the parking area to be laid out prior to occupation, and that all areas employ a sustainable urban drainage system etc.

40. The proposal would also include increasing the available cycle parking at the centre from 30 spaces to 50. The Cycle Parking would accord with standards as set out in Policy TR4 of the adopted Oxford Local Plan 2001-2016 however a condition should be attached to ensure that these are situated within shelters to encourage use.
41. In terms of highways matters, the proposal would accord with Policies CS13 of the Oxford Core Strategy 2026, and Policies CP1, TR1, TR2, TR3, and TR4 of the Oxford Local Plan 2001-2016.

### **Trees**

42. The Arboricultural Report by TEP Consulting states that the proposed development will require the removal of a Birch Tree from the entrance to the centre, and 9 individual trees from the road frontage to Pegasus Road (2x Atlantic Cedar; 2 Cherry Trees; 1 Crack Willow; 1 London Plan; 1 Norway Maple; and 2 Scots Pine).
43. The removal of the trees from Pegasus Road is regrettable as it would have an impact upon the street scene. The proposal acknowledges this by including new tree planting within the frontage in order to mitigate the visual impact of removing these trees.
44. The Oxford City Council Tree Officer has indicated that although there will be a residual loss of tree cover when the development is complete, provided the replacement trees establish and grow successfully, they will be better suited to the site than the existing Crack Willow. As the new trees mature, they will enhance the proposed development softening the appearance in public views along Pegasus Road. Therefore no objection would be raised to the proposal under Policy CP11 and NE15 of the adopted Oxford Local Plan 2001-2016.
45. In order to ensure that sufficient space is provided for the new trees, a condition should be attached which requires details of the planting environment for the new trees. Further conditions should also be attached requiring a landscape plan, details of all hard surfacing and underground services, arboricultural method statement, and tree protection plan.

46. According to the Ecological Report by TEP, the proposed development will not have a detrimental impact upon biodiversity and European Protected Species. Officers agree a condition should be attached which ensure that the mitigation measures within the report are implemented.

### **Flood Risk**

47. The proposed extension would be sited within Flood Zone 1 (less than 0.1% chance of flooding in any year). A Flood Risk Assessment (FRA) by Curtins Consulting has been included with the application.

48. The Environment Agency is satisfied the development will not increase fluvial flood risk, provided the measures set out within the FRA are implemented in the development. This should be secured by condition, along with further conditions requiring a surface water drainage scheme for the site to be submitted, and remediation measures for any contamination not previously identified.

### **Sustainability**

49. A Natural Resource Impact Analysis (NRIA) has been submitted as required by Policy CP18 of the Local Plan, and the NRIA Supplementary Planning Document

50. The energy strategy for the building has been designed in order to generate on site a minimum of 20% of energy used within the building. The proposed scheme would incorporate a combined heat and power (CHP) system, and a biomass boiler. The building is proposed to be highly energy efficient, with the NRIA stating that it will be built to a standard that achieves a 5% improvement on the minimum requirements of the approved Building Regulations Part L 2010. This would be highly commendable. The choice of materials within the building will feature 90% FSC certified timber, as well as using a high proportion of recycled aggregates. Where possible the materials will be locally sourced, although this has not yet been assessed.

51. Water resources have also been considered and a range of water efficiency measures have been considered including, the use of a pool cover to reduce evaporation from the pool surface during closed periods. Also each WC will have low flush volumes. Similarly, the showers have a limited water consumption maximum. The NRIA scores well in terms of water resources.

52. Overall, the NRIA would achieve a score of 8/11 which would represent a good solid performance. A condition should be attached to any permission to ensure the details are included within the development.

### **Archaeology**

53. This site is of interest because it is located between a north-south concentration of Roman kilns, associated enclosures and trackway and the Alchester-Dorchester Roman Road. The dispersed pottery manufacturing sites orientated on this road form part of nationally important Roman pottery industry that operated from the 1<sup>st</sup> to 4<sup>th</sup> century, with Blackbird Leys being an important focus for the expansion of the industry in the 2<sup>nd</sup> century. The industry in the Oxford region appears to have begun as a cottage industry in the 1<sup>st</sup> century before rapidly expanding into a major national industry by the later 3<sup>rd</sup> and 4<sup>th</sup> centuries.
54. A desk based assessment and geophysical survey has been carried out to assess the archaeological potential of the site. This has revealed that area is disturbed with construction debris from the existing buildings, infilling and levelling. A Roman Industrial site might include strong linear features (ditches, trackways) and the outline of any kilns but the results do not display these archaeological characteristics. These results do not provide definitive evidence of the absence of archaeology and some control is needed to mitigate the impacts of this proposal on any archaeology. This can be managed by condition on any grant of planning permission.

#### **Public Art / Environmental Improvements**

55. The Planning Obligations Supplementary Planning Document (POSPD) identifies that contributions would be required from the scheme towards the provision of public art and environmental improvements.
56. In terms of Public Art, the POSPD identifies that Public Art must be incorporated within the development site, or be provided near to the development. This could be a permanent or temporary work, inside or outside a building, an integral part of a building or free-standing in an open space.
57. Although public art has not been specifically detailed in the proposed scheme, this could be provided and as such appropriately secured by condition.
58. The POSPD also identifies that the Council will encourage new development to enhance the quality of the public space around any development. The proposed scheme includes a number of environmental improvements such as a landscaping strategy for the site, which includes new planting and an enhanced approach to the new entrance for the building with high quality paving etc. The scheme will also include the provision of street furniture such as benches and litter bins; cycle parking; and improved external lighting of public areas and CCTV for surveillance. Again these would be secured by condition.

## **Conclusion:**

59. 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 South East Area Committee and Strategic Development Control Committee is to approve the development in principle, but defer the application for the completion of a legal agreement to secure the necessary financial contributions as set out above.

## **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 (the Act) in reaching the recommendation to grant planning permission, subject to conditions and a legal agreement. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties in regard to all The Articles in Schedule One of the Act. Officers consider that the only Articles that may be relevant in this regard are Articles Eight of the Convention and Article One of the First Protocol and Officers consider that any potential interference with these rights caused by the granting of this planning application is proportionate. Officers have also considered the potential interference with the rights of other Oxford residents under the Act and consider that either there will be no interference or that any interference with their rights will be minimal and proportionate.

Officers have also considered the interference with the human rights of the applicant under all the potentially relevant Articles of the Act that may occur by imposing conditions. The only relevant Articles is Article One of the First Protocol of the Act. 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. Any 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, subject to conditions and a legal agreement, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Contact Officer:** Andrew Murdoch

**Extension:** 2228

**Date:** 23<sup>rd</sup> March 2011