

PLANNING REVIEW COMMITTEE

21st August 2017

Application Number: 17/00617/CT3

Decision Due by: 15.05.2017

Extension of Time: 11.08.2017

Proposal: Temporary extension of depot to provide additional storage space for up to 5 years, permanent reconfiguration and extension of car park, installation of cycle parking, widening of access and erection of fencing. (Amended description) (Additional information).

Site Address: Oxford City Council Depot, Marsh Road, Oxford, Oxfordshire, OX4 2HH

Ward: Cowley Marsh

Agent: Peter Brett Associates

Applicant: Oxford City Council

Reason at Committee: The application was called in to Planning Review Committee by Cllr Wilkinson, supported by Cllrs Wolff, Abbasi, Simmons, Brandt, Wade, Thomas, Haines, Azad, Fooks, Goddard and Gant.

UPDATE REPORT

1. RECOMMENDATION

1.1. This is an updated recommendation that takes account of the decision of East Area Planning Committee on 2nd August 2017. The East Area Planning Committee resolved that conditions 1, 5, 6, 7, 12 and a new condition on restoration were not to be discharged before consulting the Chair of East Area Planning Committee. These conditions are now listed as 1, 4, 8, 9, 10 and 14 in this report.

1.2. The Planning Review Committee is recommended to:

(a) Approve the application for the reasons given in this report and subject to the required planning conditions set out in section 8 of this report and grant planning permission.

(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers

reasonably necessary; and

2. to consult the Chair of East Area Planning Committee prior to the discharge of conditions 1, 4, 8, 9, 10 and 14 as set out in this report.

2. REPRESENTATIONS RECEIVED

- 2.1. A summary of all the comments received from statutory consultees and third parties are set out within the original committee report included with the agenda as **Appendix 2**.

3. BACKGROUND

- 3.1. At the East Area Planning Committee on the 2nd August 2017, Members resolved to approve planning permission for the temporary extension of the depot to provide additional storage space for up to 5 years, the permanent reconfiguration and extension of the car park, installation of cycle parking, widening of access and erection of fencing. A copy of the officer's report has been attached to the committee agenda as **Appendix 2**. A copy of the minutes from East Area Planning Committee on 2nd August 2017 are attached as **Appendix 3**.
- 3.1. The application has been called into planning review committee by Cllr Wilkinson supported by Cllrs Wolff, Abbasi, Simmons, Brandt, Wade, Thomas, Haines, Azad, Fooks, Goddard and Gant on the following grounds:
 - Policy CS21 - Members of the public have sent in a large number of objections because this application will reduce the amount of green space available to the public as leisure amenity
 - Policy SR2 – The open space provides an important green space for local residents.
 - Concern that the expansion will not be temporary.
 - Policy SR16 – The site is allocated for community facilities in the Local Plan whereas housing under policy SP12 of the Sites and Housing Plan.
- 3.2. The purpose of this supplemental report is to provide specific comments on the matters listed above.

4. POLICY CS21 – Green spaces, leisure and sport

- 4.1. This policy is aimed to create green spaces in new large scale developments and highlights that it is desirable to maintain the 5.75ha of green space per 1,000 of the population by providing new green spaces in such developments. The policy also puts emphasis on the loss of existing sports facilities. Development will not be allowed unless sports facilities can be relocated elsewhere.
- 4.2. In relation to this application the proposal is not for a new large scale development which would require the provision of open green space. The proposal is for development on an existing sports facility. This issue has been addressed as demonstrated by comments from Sport England, the statutory consultee on this matter. The cricket facilities have already been relocated to a

different area within the park. Therefore Policy CS21 is not of any significance as a material consideration.

5. POLICY SR2 – Protection of Open Air Sports Facilities

- 5.1. Cowley Marsh Park is protected as an Open Air Sports Facility rather than Public Open Space (Policy SR5). Policy SR2 whilst primarily is an open air sports facility does also recognise it is also open green space for local residents.
- 5.2. The amount of space involved for this proposed temporary change of use is 0.3 hectares, and in proportion to the 7.8 hectares size of open green space is considered a small area. This amounts to approximately 4.2% of the recreation ground protected by Policy SR2, known as Cowley Marsh Recreation Ground. Therefore Officers consider this to be minimal in this case.

6. POLICY SR16 – Proposed New Community Facilities

- 6.1. It was indicated in the Oxford Local Plan 2001-2016 that Marsh Depot could be used for community facilities. This formed part of the mixed use site allocation policy DS19 which has now be superseded by policy SP12 of the Sites and Housing Plan site allocation for housing or student accommodation. The future use of the site once the depot relocated has been taken, becomes a separate matter which will be determined on its own merits at that moment in time in the future. This application does not seek works within the existing area protected by policy SP12. Therefore SP12 has no weight in the consideration of this application.

7. TEMPORARY USE

- 7.1. Temporary uses are considered short term for a period of up to five years. This does not change the policy allocation of the site within the Local Plan. If a renewal was sought the situation would need to be reassessed and due to its sensitivity and ownership would be likely to return to Planning Committee. However, the future renewal issue or not is again not a matter for consideration relating to the determination of this application. Members of East Area Planning Committee were satisfied that the use of the area involved in this application is temporary in nature and can be removed at any time.

8. CONDITIONS

- 8.1. It is noted that the East Area Planning Committee resolved that conditions 1,5,6,7 and 12 in the original and a new condition on restoration are not to be discharged before consulting the chair of East Area Planning Committee. These conditions are now listed below as 1, 4, 8, 9, 10 and 14.
- 1 This depot expansion shall be for a limited period of 5 years only, expiring 5 years from the date of this permission when the use hereby permitted shall be discontinued and the land restored to its former condition.

Reason: To enable the land to be returned to an open air sports facility in accordance with policy SR2 of the Adopted Oxford Local Plan 2001-2016.

- 2 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 3 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 4 At least 6 months prior to the vacation of the land, a scheme detailing the restoration of the site including the timescale for restoration shall be submitted to and approved in writing by the Local Planning Authority. Restoration must thereafter take place in accordance with the approved scheme.

Reason: To enable the land to be returned to an open air sports facility in accordance with policy SR2 of the Adopted Oxford Local Plan 2001-2016.

- 5 Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 6 Notwithstanding the indicative landscape plan, a landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting,

treatment of paved areas, and areas to be grassed or finished in a similar manner.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

- 7 Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority. The plans, calculations and drainage details will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The plans, calculations and drainage details submitted shall demonstrate that;
- I. The drainage system is to be designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event.
 - II. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.
 - III. Excess surface water runoff must be stored on site and released to receiving system at greenfield rates.
- Any proposal which relies on Infiltration will need to be based on on-site infiltration testing in accordance with BRE365 (or British Standards equivalent), details of such are to be submitted and approved by the LPA.

Reason: To ensure compliance with Policy CS11 of the Oxford Core Strategy 2011-2026.

- 8 Prior to the commencement of development, a Sustainable Drainage (SUDs) Maintenance Plan shall be submitted to and approved in writing by the Local Planning Authority. The Sustainable Drainage (SUDs) Maintenance Plan will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The Sustainable Drainage Maintenance Plan will be required to provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function in perpetuity.

Reason: To ensure that the proposed development is maintained in perpetuity and to avoid increasing surface water run-off and thereby attenuating flood risk in accordance with Policy CS11 of the Oxford Core Strategy 2011-2026.

- 9 Prior to the occupation of the development the drainage infrastructure shall be constructed in accordance with the approved details and thereafter retained. The development is to be maintained in accordance with the approved Sustainable Drainage (SUDs) Maintenance Plan.

Reason: To ensure compliance with Policy CS11 of the Oxford Core Strategy 2011-2026.

- 10 Biodiversity protection and enhancement measures shall be implemented as specified in the Cowley Marsh Depot Ecological Assessment Report, Peter Brett Associates, July 2017 Section 4.
- Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.
- 11 Prior to the commencement of the development, details of the Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority.
- Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.
- 12 The development hereby permitted shall not be occupied until biodiversity mitigation as specified in the Cowley Marsh Depot Ecological Assessment Report, Peter Brett Associates, July 2017 4.4.3 - 4.4.4 (meadow creation) and sections 4.4.13 (bird boxes) has been carried out / installed.
- Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.
- 13 Prior to use of the new car park layout, vision splays measuring 2m by 2m shall be provided to each side of the access. This vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6m as measured from carriageway level.
- Reason: In the interests of highway safety in accordance with policy CP1 of the Oxford Local Plan.
- 14 Prior to use, a management plan outlining the control measures to be employed at the Cowley Marsh Park car park in order to prevent misuse of the car park for long-stay / commuter purposes must be submitted to, and agreed by, the Local Planning Authority. The measures outlined in the plan must subsequently be implemented upon occupation.
- Reason: In order to prevent misuse of the car park by commuter parking in line with the Oxford Transport Strategy.
- 15 Notwithstanding the approved plans, before the development permitted is commenced details of the car parking layout which meets the requirements set out in the Design Guide for New Residential Developments, shall be submitted to, and approved in writing by, the Local Planning Authority.
- Reason: In the interests of highway safety.
- 16 Before the development permitted is commenced details of the cycle parking areas, including any means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have

been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in accordance with policy TR4 of the Oxford Local Plan.

- 17 A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works. This should identify;
- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
 - Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
 - Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
 - Contact details for the Site Supervisor responsible for on-site works,
 - Travel initiatives for site related worker vehicles,
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
 - Engagement with local residents and neighbours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

- 18 Prior to reinstatement of the recreation ground a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced). Each phase shall be submitted in writing and approved by the local planning authority.
- Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.
- Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.
- Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

- 19 The reinstated recreation ground shall not be made open to the public until any approved remedial works have been carried out and a full validation report has been submitted to and approved by the local planning authority.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

- 20 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason- To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

- 21 Prior to the commencement of the development, details of the proposed fencing including specific locations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area in accordance with policies CP1 and CP8 of the Oxford Local Plan and CS18 of the Core Strategy.

Informatives

1. In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
2. Any alterations to the public highway will be at the applicant's expense and to Oxfordshire County Council's standards and specifications. Written permission must be gained from Oxfordshire County Council's Streetworks and Licensing

Team (0845 310 1111) for this action.

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