

East Area Planning Committee

6<sup>th</sup> December 2011

**Application Number:** 11/02032/FUL

**Decision Due by:** 9th November 2011

**Proposal:** Refurbishment of Unit 1 comprising:-

- External alterations to the eastern elevations of the building to match the rest of the shopping park to create 4 units, additional glazing and new frontage louvres; (Additional Information)
- Mezzanine floor space within retail units 1A, 1B and 1C;
- Alterations to the pedestrian and parking areas to front of the retail building and replacement compound/ new plant area within the service area (all as a variation on previous approval), and out of hours deliveries within the car park;
- Formation of three Class A3 cafe-restaurants as a change of use and extension of the south western part of the existing retail building and enhancement of the open space to the south;
- Demolition of part of the rear of the existing building and redevelopment of that area and the adjoining garden centre to provide four dwelling houses with related access and car parking. (Additional Information) (Amended Plans)

**Site Address:** Unit 1, Templars Shopping Park, Between Towns Road,  
**Appendix 1**

**Ward:** Cowley Ward

**Agent:** Blue Sky Planning

**Applicant:** Kyarra Sarl

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**Recommendation:** Committee is recommended to support the proposals in principle but defer the application to allow a “Deed of Variation” to be drawn up and to delegate to officers the issuing of the Notice of Planning permission on its completion.

## Reasons for Approval

- 1 The proposals accord with the relevant policies within the Oxford Local Plan and is supported accordingly. The external alterations will match the existing shop fronts whilst the principle of sub-division and inclusion of a food retailer at Unit no.1 have been previously established. The additional A3 units will add vitality and vibrancy to the site and the additional dwellings will make

efficient use of the land and add to the balance and mix of dwellings within the area. The new café units are considered to form an appropriate relationship with the area and do not impact on the immediate neighbours in a detrimental way. The remnants of a stone rubble wall and gable to the former factory site are retained as reminders of Cowley's past and new trees planted to replace losses.

- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 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.

### **Subject to the Following Conditions**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Landscape management plan
- 5 Landscape underground services - tree roots
- 6 Tree Protection Plan
- 7 Arboricultural Method Statement
- 8 Archaeological evaluation
- 9 Methodology for the coral rag wall
- 10 Plant and/or machinery
- 11 Scheme for treating cooking fumes/odours
- 12 Noise
- 13 CCTV
- 14 Lighting
- 15 Accessibility
- 16 Residential car parking
- 17 Vision splays
- 18 SUDS
- 19 Construction Traffic Management Plan
- 20 Travel Plan Statement
- 21 Cycle parking details - residential and retail
- 22 Opening hours for retail units

### **Main Local Plan Policies:**

#### **Oxford Local Plan 2001-2016**

CP1 - Development Proposals

CP5 - Mixed-Use Developments

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  
CP21 - Noise  
TR3 - Car Parking Standards  
TR4 - Pedestrian & Cycle Facilities  
NE15 - Loss of Trees and Hedgerows  
NE16 - Protected Trees  
HE2 - Archaeology  
HE7 - Conservation Areas  
RC4 - District Shopping Frontage  
RC11 - Environmental Improve - District/Neighbourhood Shop Centres  
RC12 - Food & Drinks Outlets

### **Core Strategy 2026**

CS1 - Hierarchy of centres  
CS2 - Previously developed and greenfield land  
CS13 - Supporting access to new development  
CS14 - Supporting city-wide movement  
CS18 - Urban design, town character, historic environment  
CS19 - Community safety  
CS22 - Level of housing growth  
CS23 - Mix of housing  
CS31 - Retail

### **Other Material Considerations:**

PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPS4 Planning for Sustainable Economic Growth  
PPS5 Planning for the Historic Environment  
PPG13 Transport  
PPS24 Planning and Noise

Supplementary Planning Document: Parking Standards, TAs and TPs Adopted Feb 2007.

Supplementary Planning Document Balance of Dwellings Adopted Jan 2008.

### **Relevant Site History:**

85/00508/NOY - Development of a retail park comprising 14,165 sq. m gross Class 1 non food retail floor space 929 sq. m garden centre, parking for 450 cars, open space and new pedestrian and vehicular access (Outline) (Templars Shopping Park, Between Towns Road). Refused 4th October 1985.

85/00893/NOY - Development of a retail park, comprising 13,032 sq. m. gross Class I non food retail floor space, 929 sq. m. garden centre, associated car parking, open space and new vehicular and pedestrian accesses (Outline) (Templars Shopping Park, Between Towns Road). Approved 29th May 1986.

86/00678/NR - Retail park, comprising 13,032 sq. m. gross Class I non food retail floor space, 929 sq. m. garden centre, associated car parking, open space, and new vehicular and pedestrian accesses (Reserved Matters of NOY/893/85) (Amended Plans) (Templars Shopping Park, Between Towns Road). Approved 8th October 1986

87/00955/A - Externally illuminated fascia signs (pelmet lighting) and externally illuminated logos for B & Q Retail Ltd. (sun flood lighting) (amended plans) (Unit 1 Templars Shopping Park). Approved 19th November 1987.

88/00181/A - Floodlit illuminated entrance advertisement (Templars Shopping Park, Between Towns Road). Approved 28th April 1988.

88/00617/A - Externally illuminated fascia sign for B & Q Retail Ltd. (pelmet lighting) (Unit 1 Templars Shopping Park). Refused 6th October 1988.

95/00572/A - i) Internally illuminated lettering over entrance ii) Internally illuminated high level lettering to western and southern elevations (Amended plan) (Unit 1 Templars Shopping Park). Withdrawn 3rd October 1995.

95/01195/A - Internally illuminated high level lettering to east and south elevation for B and Q. (Unit 1 Templars Shopping Park). Allowed on appeal 6th October 1995.

97/00432/NF - Erection of weld mesh fence to form secure compound (Adjoining Unit 1 Templars Shopping Park). Approved 3rd June 1997.

97/01127/Q - Application to determine whether prior approval is required for the method of demolition/reinstatement of the glazed walk ways at the John Allen Centre. (Templars Shopping Park, Between Towns Road). Granted 6th August 1997.

98/01302/NF - Installation of 36 lighting columns and alterations to entrances of retail units by construction of new rendered and brick piers. (Templars Shopping Park, Between Towns Road). Approved 13th October 1998.

98/01303/A - 1x15m, 3x6m, 1x4m internally illuminated totem signs. 4 sail banners on 4.5m columns. 7 pairs of internally illuminated signs on entrance piers to shops. 7 fascia signs on porte cocheres. 5x1.6m directional signs. (Templars Shopping Park, Between Towns Road). Approved 13th October 1998.

05/02238/ADV - 6 internally illuminated poster display panels (Templars Shopping Park, Between Towns Road). Approved 4th January 2006.

10/01959/FUL - Alterations to site access including the erection of ticket barriers and payment machines (Templars Shopping Park). Approved 11th November 2010.

10/01960/ADV - Display of advertisements comprising:  
1 x double sided externally illuminated 'totem' sign (8m x 2.5m); 1 x double sided externally illuminated 'totem' sign (8m x 2.3m) with 4.5m canopy; 1 x single sided

internally illuminated information sign (3.55m x 2.99m) (Templars Shopping Park, Between Towns Road). Approved 11th November 2010.

10/03090/FUL - Refurbishment of Unit No.1 including external alterations to elevations and new entrances, to create 4 retail units. Insertion of mezzanine level into units 1A and 1B, plus alterations to the car parking and pedestrian area to frontage and replacement compound/plant area within service area. (Amended plans). Approved 18th January 2011.

11/00006/ORDER - Oxford City Council - Between Towns Road (No.1) Tree Preservation Order 2011. Provisional Order approved.

In addition there have been two variations to the legal agreement which accompanied the original 1986 permission to create the retail park:

09/00673/POM - Amendment to the range of goods permitted to be sold at Templars Shopping Park. PDE

11/00461/POM - Variation to legal agreement relating to retail park to allow up to 2500sq m of floor space to be used for food sales. Approved 6th July 2011.

### **Consultation**

#### **Statutory Consultees:**

Highway Authority: No objection subject to conditions.

Thames Water Utilities Ltd: No objections.

Environment Agency: Application is deemed to have a low environmental risk.

Thames Valley Police: No objection subject to recommendations (see text)

Drainage Team Manager (Oxfordshire County Council): no objection

#### **Third Party Representations Received:**

Prior to the submission of the planning application, a public exhibition was held at the retail park on 7<sup>th</sup> July 2011 with a general consensus that the proposals were welcomed.

Following the receipt of the planning application responses were received from:

9 Cleveland Drive; 52 Church Cowley Road; 12 Beauchamp Lane; 22 Church Hill Road; 11 Beauchamp Lane; 7 Hockmore Street; 30 Church Hill Road; Flat 49, The Manor House, Bennett Crescent; Zurich Assurance c/o Threadneedle.

#### **Summary of comments**

- Close to adjoining properties
- General dislike of the proposal
- Inadequate parking provision
- Increase in traffic
- Inadequate access
- Loss of parking
- Increase parking on surrounding streets
- Inadequate public transport provisions

- Noise nuisance
- Lack of cycle parking facilities
- Overdevelopment
- Strain on existing community facilities
- More cafes not required – cause nuisance with food rubbish, parking, rats, anti social behaviour
- Loss of historic aspect of Cowley
- Effect on local ecology/loss of trees
- Development too high
- Loss of privacy
- Impact on conservation area
- Out of keeping with character of area
- Intrusive on Beauchamp Lane aspect
- Development would create new planning unit not be controlled by existing legal agreement
- Welcome economic regeneration of the area

## **Issues**

Planning policy

Design

Potential for noise nuisance

Highways, traffic and parking

New housing

Heritage assets

Trees and landscaping

## **Officers Assessment**

### **Site Description**

1. The application site is part of the Cowley Centre (Templars Square) District shopping centre. It is located adjacent to the B4495, with a traffic light controlled access. The retail centre forms part of the Cowley Centre with Templars Square shopping centre opposite. The development is subdivided into plots, with a central parking area. Some of the units have been updated with new facades and had mezzanine floors constructed.

### **Proposals**

2. The application is seeking permission for the refurbishment of Unit 1 comprising a number of separate elements:-
  - external alterations to the eastern elevations of the building to match the rest of the shopping park to create 4 units, additional glazing and new frontage louvres;
  - mezzanine floor space within retail units 1A, 1B and 1C;
  - alterations to the pedestrian and parking areas to front of the retail building and replacement compound/ new plant area within the service area (all as a variation on previous approval), and out of hours deliveries within the car park;

- formation of three Class A3 cafe-restaurants as a change of use and extension of the south western part of the existing retail building and enhancement of the open space to the south; and
  - demolition of part of the rear of the existing building and redevelopment of that area and the adjoining garden centre to provide four dwelling houses with related access and car parking.
3. The principle of the external alterations to the eastern elevations of the building to create 4 units, including additional glazing and new frontage louvres, mezzanine floor space within retail units 1A, 1B and alterations to the pedestrian and parking areas to front of the retail building and replacement compound/new plant area within the service area have already been established and approved under planning permission 10/03090/FUL.
  4. This current application proposes the modification to this permission by amalgamating units 1C and 1D to facilitate a single unit of 2500sqm for the occupation by Sainsbury's. The resultant unit is to be known as Unit 1D, along with three smaller units (1A-1C) with an additional mezzanine is to be added to unit 1C. The depth of units 1A-1D is to be reduced by the change of use of the back part of the building to A3 at the rear of units 1A and 1B and the demolition of further retail floor space mainly behind unit 1C.

### **Planning Policy**

5. National planning policy on retailing is presently set out in PPS4, which broadly promotes a '*town centre first*' policy. This approach supports sustainable travel and positively encourages investment to take place within established town and district centres, such as Templars Retail Park. The vitality and viability of town centres is to be delivered through the focusing of economic growth with greater competition between retailers and enhanced consumer choice. The adopted Oxford Core Strategy adopts the same approach and identifies Cowley Centre as a Primary District Centre. This recognises the important role that it plays in the retail hierarchy as it serves a larger catchment area than other districts and is the most accessible. The Core Strategy therefore encourages growth in retail, employment, leisure and other uses to be focused within the District centre to promote its vitality and viability
6. In terms of the 'saved policies' from the Local Plan of particular relevance to the proposed retail and restaurant uses are policies RC4 (District Frontage); RC12 (Food and Drink) and RC.13 (Shopfronts). The mix of uses within this district frontage at present has a high proportion of Class A1 (retail) uses which amounts to almost 75% of the total whilst the minimum threshold to be retained is set at 65%. There is therefore scope to allow other uses. Overall the current proposals are assessed as adding vitality and viability to the Primary District centre, without compromising its important retail role within Oxford's retail hierarchy.
7. It has been suggested that granting the application would permit such a radical change that it would create a new planning unit which would not be

controlled by the existing s52 agreement. It is Officers opinion that this argument only works if:

- the existing agreement contains a clause that it will not apply to future development. The existing agreement does not.
  - the new permission would change the retail park so significantly that it would create a new chapter in the planning history. Whilst the introduction of the A3 units is quite significant they don't alter the whole character of the site.
8. The granting the application would not necessarily create a new planning unit and the s52 agreement would continue to apply but it would need amending to provide for the A3 uses. .

## **Design**

9. The design of the new units reflects those existing. They would face south across the open space at the corner of Rymers Lane and Between Towns Road, and would in effect form an extension to Unit 1 currently occupied by B&Q. This space would be opened up to create a useable public space and allow customers to spill out into external seating areas. The new A3 units continue the contemporary nature of the retail park but with more trees and greenery being retained than originally envisaged, with the new units creating an active frontage along a currently 'dead' area. Access to the new units on foot could be achieved direct from the street without first entering the car park, via the existing footpath which runs along the north side of the access road.
10. In response to consultation Thames Valley Police comment that there have been a number of crimes reported from this area and are concerned about the sunken area that passes in front of the new units and serves as an outdoor seating area for the café/restaurant. During the day time there is likely to be sufficient activity in the area to reduce the opportunity for crime and disorder. However at night time and out of operating hours this sunken area is isolated with little natural surveillance from the surrounding buildings or pedestrians. Thames Valley Police therefore recommend either restricting access from the footpath leading to the new units by installing gates which can be locked out of trading hours, or introducing CCTV at this point. The applicant is agreeable to the latter which would complement the existing CCTV system in operation which has been successful in limiting crime in the car park. A condition is suggested requiring details to be submitted. Moreover Thames Valley Police also recommend that tree canopies are at least 2 metres from ground level and that any proposed planting of shrubs etc is maintained at no more than a metre in height. This will allow a clear field of vision across the public green area, increase the opportunity for natural surveillance, and reduce opportunity for crime. Again this can be incorporated into the landscaping requirements via a condition.

## **Potential for Noise Nuisance**

11. The intended occupier for the larger unit is Sainsbury's who wish to make three deliveries a day of fresh food out of hours. Given the close proximity to



residential properties at Rymers Lane etc, it is proposed to make these deliveries via the car park to the front of the store when the retail park is closed to customers rather than from the rear servicing area which would only be in use during the working day. Environmental Health Officers have reviewed the application and acoustic consultants report, and visited the site. No objection of principle is raised to these arrangements and support is given to the condition suggested by the applicant, namely:

*“Noise generated as a result of vehicle deliveries to the front of the development should not exceed 45 dBLAeq8hr , 60 dBLAmax between the hours of 23:00 and 07:00 and 55 dBLAeq16hr at any other time”.*

12. As the potential also exists for noise emanating from the proposed catering developments, Officers would also recommend that the following be attached to any approval:

*“All new fixed plant and/or machinery serving the proposed development shall not increase the ambient noise levels above existing levels, when measured at the nearest noise sensitive property. Prior to the installation of such fixed plant and/or machinery details of the proposed equipment, along with any related noise mitigation measures, shall be submitted and approved in writing by the Planning Authority. The measurements and assessments shall be made accordance to BS 4142:199”*

13. Further, in order that fumes and odours from the new café outlets are adequately controlled so as to prevent nuisance or a loss of amenity, a further condition is suggested requiring details of a scheme cooking smells to be submitted and agreed.

### **Highways, Traffic and Parking**

14. The parking provision for the site is noted as remaining at 469 spaces with the provision for the disabled increasing to 23 of those spaces. This level of car parking is in line with the standards set down in the Local Plan for retail development of this sort. Whilst no additional car parking is proposed for the catering units, as its customers are likely to either be car borne customers of the retail park already, or others arriving on foot, then it is accepted that no additional parking is required. In any event the existing car parks at Cowley Centre have substantial spare capacity, and recent remote signage introduced nearby indicates when such capacity is available at these other facilities. For its part the Highway Authority conclude there would be no appreciable impact on traffic at the controlled access into the retail park, though it would wish to see further details of the arrangements for night time deliveries and whether any adjustments may need to be made to the existing pedestrian access to the site. A Construction Traffic Management Plan is also suggested, again to be secured by condition.
15. In terms of cycle parking provision, an additional 28 spaces are proposed; all located within close proximity to the new A3 units. Again this accords with Local Plan requirements and details can be requested via a condition.

## **New Housing**

16. The District centre is an accessible one with good public transport links, and is therefore a suitable location for additional residential accommodation at appropriate locations, which could be car free or with limited parking provision. In these proposals 4 residential units are proposed fronting on to Rymers Lane in the form of 2 x 1 bed and 2 x 2 bed houses. For dwellings of 1 to 9 units within the District centre there is no specific mix required by the Balance of Dwelling SPD, and the application therefore accords with the SPD.
17. The four units provide a row of terraced properties of a similar scale and proportion to those currently along this eastern side of Rymers Lane. They would be constructed of brick to match neighbouring properties which are set back from the street behind a low brick wall with black hand rails. The new dwellings would incorporate the existing part of the stone “coral rag” wall along Rymers Lane to cill height. The form of this short terrace of housing is consistent with its neighbours in terms of form, scale and materials and adequate private amenity space is provided for each unit in accordance with established Local Plan policy, each house possessing a private garden to the rear 16m in length. There are no issues of overlooking or loss of privacy and the new dwellings will not appear overbearing or create a sense of enclosure for the neighbouring property at 2 Rymers Lane
18. Six car parking spaces are proposed for the four units off street in the form of a communal parking area to the south of the new dwellings. The Highway Authority raise no objection to the access arrangements. Although no cycle parking facilities are shown, there is sufficient space to provide it on plot as each house possesses rear access. Details of cycle parking provision for the new dwellings can be sought via a condition.

## **Heritage Assets**

19. This site is of interest because it lies within the early modern (and potentially earlier) extent of Church Cowley and encompasses the site of the Oxfordshire Steam Ploughing Company. The company was established in 1868 by Walter Eddison and Richard Nodding, producing steam ploughs and cranes. By 1900 it was a significant employer in Oxford and was claimed to be the largest private firm of steam ploughs in the world. By 1924 the company had become John Allen & Sons clearing factory sites for Morris Motors.
20. A relocated gable façade from the factory survives adjacent to its original site, incorporating a 1900 plaque of a steam plough. Officers note that the submitted Heritage Statement recognises the significance of the surviving elements of the Steam Plough Factory in the form of the relocated factory façade. Moreover the archaeological desk based assessment accompanying the application notes significant potential for archaeological remains in this location relating to the Roman pottery industry, the medieval and post medieval historic core of Cowley and the late 19th century and early 20th century Steam Ploughing Company, and provides a truncation model

identifying areas that would warrant further field evaluation which may involve trial trenching and mitigation. A condition is recommended accordingly.

21. Officers note that the natural stone coral rag wall along Rymers Lane is one of the few remaining visible links to Cowley's important industrial past and one of the few remaining visible heritage assets surviving in the part of the historic village which has been otherwise heavily redeveloped. Officers would argue however that this does not constitute meaningful retention of the asset but nevertheless would request that it be retained to the height of the sill of the ground floor windows to the proposed houses. This would provide a stronger boundary definition and defensible space for the occupants of the properties. A condition is suggested requiring the retention and protection of the wall.
22. The gable façade from factory is to be relocated in these proposals to the side elevation of unit 1G facing Rymers Lane. It is Officers opinion that its relocation is positive as it is currently partly hidden from public view by nearby tree coverage. The new location would bring it closer to the footpath and make it more accessible and visible to the public, thus reminding of them of the history of the site and area.

### **Trees**

23. The application site possesses a number of trees some of which were intended for removal as originally submitted. Whilst some of the removals were less significant there were three trees or groups of trees in particular which would have been adversely affected by the development as proposed:
  - the loss of a group of lime trees to the west of the access road into the retail park which provide a valuable screening function with potential to mature and grow in importance;
  - a large mature poplar prominent in public views from Rymers Lane and Between Towns Road which would be adversely affected by hard surfaces and seating proposed; and
  - the loss of a large, mature alder forming a significant feature along Rymers Lane whose removal would have a harmful effect on public views.
24. The planning application was subsequently amended to address these concerns and retain these important trees. Although one of the group of limes is still removed, this is justified by the benefits of providing a footpath entrance and ensure a reasonable gradient to the catering units. Moreover whilst the loss of trees along Rymers Lane is regretted, their loss does provide a better opportunity to view the relocated gable feature from the former factory, and the important poplar there is retained now. New tree planting here can mitigate the losses. Overall therefore the loss of some of the tree coverage is accepted to allow the development to proceed, but with full mitigation in the form of new planting to be agreed.

### **Conclusion**

The applications represent the latest in a series of proposals which reflect the changing character of the retail park, with new traders replacing previous ones,

smaller units being created, and additional facilities provided. The additional catering units forming part of this latest application would not harm the retail attractiveness of the retail park but would seek to complement it, whilst the additional residential accommodation represents a small but welcome addition to the housing stock locally. Traffic and servicing arrangements are in hand, amendments made to the potential loss of tree coverage, and the heritage assets of the area acknowledged.

Committee is recommended to support the proposals accordingly.

### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and an accompanying legal agreement. 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 subject to conditions and an accompanying legal agreement, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Contact Officer:** Lisa Green

**Extension:** 2614

**Date:** 17th November 2011