

Oxford City Planning Committee

15th August 2023

Application number:	23/00990/FUL		
Decision due by	8th September 2023		
Extension of time	N/A		
Proposal	Erection of security fencing to perimeter of the site.		
Site address	Parkway Court , John Smith Drive, Oxford, Oxfordshire – see Appendix 1 for block plan		
Ward	Temple Cowley Ward		
Case officer	Nia George		
Agent:	Mrs Rachael Martin	Applicant:	Pure Offices Ltd
Reason at Committee	The application constitutes major development.		

1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.

1.1.2. **delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers a proposal to erect security fencing to the perimeter of the site. The proposed mesh fencing would be 1.5m in height.

2.2. This report considers the following material considerations:

- Principle of development
- Design
- Neighbouring amenity
- Trees
- Land Quality

- 2.3. The proposed development is acceptable in respect of its design and would not cause any detrimental harm to the character and appearance of Parkway Court nor the wider Business Park or surrounding area. The fence would not cause any detrimental impacts upon the amenity of any neighbouring dwellings, and nor would it cause any impacts with regard to trees and land quality, subject to the recommended conditions. The development would not give rise to any unacceptable impacts in respect of public highways. As such the proposals are considered to comply with the policies of the Oxford Local Plan, and the NPPF.
- 2.4. Officers consider that the proposals would be acceptable and that the development would accord with the policies of the development plan when considered as a whole and the range of material considerations and recommend the grant of planning permission.

3. LEGAL AGREEMENT

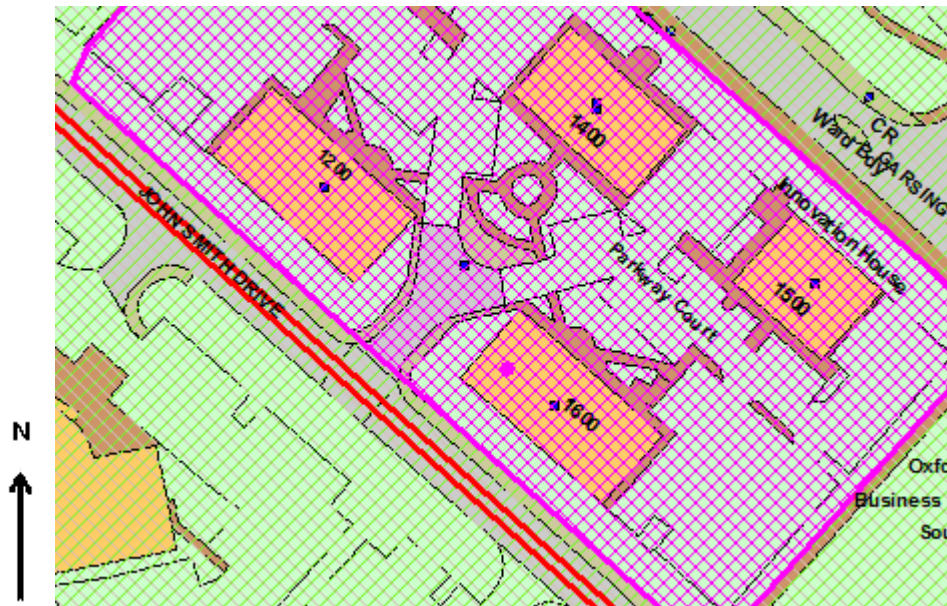
- 3.1. This application is not subject to a legal agreement.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

- 5.1. The application site comprises of a group of five detached two storey buildings, located on the north eastern side of John Smith Drive within the Oxford Business Park. The site backs onto Garsington Road which runs along the north of the site, and other than to the south east of the site where there is undeveloped land within the Business Park, the rest of the site's surroundings comprise of other buildings within the Business Park.
- 5.2. Within Parkway Court other than the five detached buildings, the site comprises of a mixture of hard surfaces for vehicular parking and vehicular access, and soft landscaping which is largely situated along the boundary of the site.
- 5.3. See block plan below:



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6. PROPOSAL

6.1. The application proposes to erect security fencing to the perimeter of the site. The proposed mesh fencing would be 1.5m in height.

7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

91/01303/NO - Demolition of all buildings. Construction of buildings for B1 business use (125,023 square metres) & a hotel (10,451 square metres) incl. new roads, car parking, infrastructure & landscaping (Amended Plans) (Oxford Business Park, Garsington Road). Approved 27th November 1992.

93/00706/NR - Details of access and landscaping on Garsington Road and some internal site roads. Details of landscaping on Eastern By-pass (part reserved matters of outline approval NO/1303/91). Approved 2nd February 1994.

93/00709/NR - Erection of 5 two storey buildings for business purposes (3826sq.m.) 192 parking spaces, access and landscaping (part reserved matters of outline approval NO/1303/91) (amended plans). Approved 11th November 1993.

12/01424/EXT - Extension to the outline planning permission 91/01303/NO for Class B1 business use, hotel, associated roads, car parking, infrastructure and landscaping. Approved 13th December 2012.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan
Design	126-136	DH1 – High quality design and placemaking
Natural environment	174-188	G7 – Protection of existing Green Infrastructure features
Environmental	174-188	RE7 – Managing the impact of development RE9 – Land quality
Miscellaneous	7-14	S1 – Sustainable development SP10 – Oxford Business Park

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 29th June 2023 and an advertisement was published in The Oxford Times newspaper on 22nd June 2023.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. No objection

Oxfordshire County Council (Flooding)

9.3. No objection

Internal Land Quality

9.4. No objection

Internal Biodiversity

9.5. No objection

Internal Trees

9.6. No objection, subject to condition

Internal Archaeology

9.7. No objection

Historic England

9.8. No objection

Thames Valley Police

9.9 Comments neither objecting to or supporting the planning application. Notes this fence is proposed to increase security for the site, but unable to confirm that the proposed fence is certificated to any approved security standard. In addition, the height of 1.5m is below what would be recommended when specifying a fence for security purposes. For demarcation only, the proposed fence is fine but if it is to enhance security, the fence should be of a minimum 2m up to 2.4m in height and certificated to a recognised standard.

Public representations

9.9. No representations were received.

Officer response:

9.10. It would not be reasonable for Officers to refuse the application based upon the height of the fence being considered too low to be of adequate security. The height of the fence is what the applicant considers to be sufficient to act as a deterrent and as such Officers must assess what is proposed before them.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design
- Neighbouring amenity
- Trees
- Land Quality

a. Principle of development

10.2. Policy S1 of the Oxford Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This applies to paragraphs 10 and 11 of the NPPF which state that a presumption in favour of sustainable development is at the heart of national planning policy. The Council will work proactively with applicants to find solutions jointly which mean that applications for sustainable development can be approved where possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with Oxford's Local Plan

and national policy will be approved without delay, unless material considerations indicate otherwise.

- 10.3. Policy SP10 states that planning permission will be granted for B1 and B2 employment uses at Oxford Business Park. Other complementary uses will be considered on their merits. Opportunities should be sought to enhance and promote more sustainable travel modes to the business park.
- 10.4. No changes to the use of the site are proposed and whilst the proposal would not enhance sustainable travel modes to the business park, it would not be reasonable to request this given that the proposal is for a fence only.
- 10.5. As such the proposals would align with the aims of Policy SP10 and would be acceptable in principle.

b. Design

- 10.6. Policy DH1 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness, and where proposals are designed to meet the key design objectives and principles for delivering high quality development as set out in Appendix 6.1.
- 10.7. The proposed fence would measure 1.5m in height and would have a depth of 60mm. The siting of the fence would span nearly the full boundary of the site, with the exception of three gaps to the south west of the boundary; allowing for the access into the court to be retained and the two buildings at the south of the park are located up to the boundary; and as such already form a boundary to the site.
- 10.8. The type of fence proposed comprises of pre-galvanized steel mesh panels. This type of fence would be considered to have a softer appearance when compared to a closed boundary treatment; and as such would still afford views in and out of the site.
- 10.9. It is considered that the size of the fence would be appropriate for the scale of the site and that although this would extend around the majority of the boundary, that the mesh style of fence would not detract from the wider character and appearance of the Business Park. It is noted that the boundary of the site and the wider business park has a green character and therefore to preserve this, a condition has been recommended for the colour of the fence to be green to help blend in with its surroundings.
- 10.10. Whilst it is appreciated that the majority of units on the Business Park do not have fencing and have opted for soft boundary treatments with a combination of hedging, plants and trees, it is noted that the proposed fence would be located inside the soft boundaries and therefore from outside of the site the vegetation would still be apparent and prominent. Furthermore the mesh style of fence proposed would have gaps in and therefore would not appear as a hard or harsh form of boundary. This style of fence is also not uncommon in the wider area as the Oxford Biomedica site to the north of the Business Park features mesh

fencing, and the western boundary of the Business Park near to Boswell Road and Barns Road also features mesh fencing.

10.11. Overall subject to the recommended condition, the proposal would not cause any detrimental harm to the character and appearance of Parkway Court nor the wider Business Park or surrounding area. The proposals are considered acceptable in design terms and would not harm visual amenity, in accordance with Policy DH1 of the Oxford Local Plan 2036.

c. Impact on neighbouring amenity

10.12. Policy H14 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes, and does not have an overbearing effect on existing homes.

10.13. Policy RE7 states that planning permission will only be granted for development that ensures that the amenity of communities, occupiers and neighbours is protected.

10.14. As noted previously in this report the north eastern boundary of the site is bounded by Garsington Road and the south eastern boundary is bounded by undeveloped land within the Business Park. To the south west and north west of the site there are other buildings located within the Business Park. As a result of the site surroundings coupled with the small scale of the fence at 1.5m in height and 60mm in depth, Officers consider that the proposal would not cause any detrimental impacts in relation to neighbouring occupiers.

10.15. The proposal would be considered to comply with Policies H14 and RE7 of the Oxford Local Plan.

d. Trees

10.16. Policy G7 states that planning permission will not be granted for development that results in the net loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse impact on public amenity or ecological interest. Policy G7 also states that planning permission will not be granted for development resulting in the loss of other trees, except in the following circumstances where it can be demonstrated that retention of the trees is not feasible; and where tree retention is not feasible, any loss of tree canopy cover should be mitigated by the planting of new trees or introduction of additional tree cover (with consideration to the predicted future tree canopy on the site following development); and where loss of trees cannot be mitigated by tree planting onsite then it should be demonstrated that alternative proposals for new Green Infrastructure will mitigate the loss of trees, such as green roofs or walls.

10.17. The boundary of the site is surrounded by soft landscaping and there is a mixture of both young and mature trees. The proposed fence is proposed to be installed around the boundary of the site near to these trees.

- 10.18. The Council's internal tree officer was consulted on the proposal and they noted that while they have no objection to this application, they do have some concerns about the implications if the fence is not implemented carefully on site with regard to considering tree roots. Therefore they requested that a pre-commencement condition is placed on any consent, so that the Council can control issues such as positioning of post holes in proximity to trees, concrete leachate and spillage, and any necessary access pruning.
- 10.19. The wording of this condition was relayed to the agent who agreed for this to be added to any future permission being granted.
- 10.20. Subject to the recommended condition, the proposal would be considered to comply with Policy DH7 of the Oxford Local Plan 2036.

e. Land contamination

- 10.21. Policy RE9 sets out the requirements for applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment. These include details of investigations carried out to assess the nature and extent of contamination and possible impacts on the development and future users, biodiversity, and the natural and built environment; and detailed mitigation measures.
- 10.22. Historical plans indicate that the application site is located on land that formed part of the former Morris Cowley vehicle manufacturing works. This manufacturing facility site was investigated for contamination and significant remediation work was completed as part of the re-development to the current Business Park and Offices on John Smith's Drive. However there remains the risk that some ground contamination could remain in areas of the site that weren't investigated or remediated to current standards.
- 10.23. The proposed development involves installation of security fencing which does not involve any major ground excavation work. This means the potential for exposure to any residual below ground contamination is considered to be low. It is therefore considered that the potential contamination risks at the site, based on the proposed development, are considered to be low. The Council's internal land quality officer was consulted on the proposal and they raised no objection to the proposal and no conditions, informatives or further investigations are required.
- 10.24. As such the proposal is considered to comply with Policy RE9 of the Oxford Local Plan 2036.

11. CONCLUSION

- 11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material consideration indicate otherwise.
- 11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development.

This means approving development that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reasons for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 11.3. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.

Compliance with development plan policies

- 11.4. In summary the proposed development is acceptable with regard to its design and it would not cause any detrimental harm upon the character and appearance of Parkway Court nor the wider Business Park or surrounding area. The fence would not cause any detrimental impacts upon the amenity of any neighbouring dwellings, and nor would it cause any impacts with regard to trees and land quality, subject to the recommended conditions. The development would not give rise to any unacceptable impacts in respect of public highways. As such the proposals are considered to comply with the policies of the Oxford Local Plan, and the NPPF.

- 11.5. Therefore officers considered that the proposals would accord with the development plan as a whole.

Material considerations

- 11.6. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.

- 11.7. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out in the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.

- 11.8. Officers would advise members that, having considered the application carefully, including all representations made with respect to the application, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2036, and that there are no material considerations that would outweigh these policies.

- 11.9. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of this report.

12. CONDITIONS

Time limit

1. 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.

Development in accordance with approved plans

2. Subject to other conditions requiring updated or revised documents submitted with the application 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 and to comply with Policy DH1 of the Oxford Local Plan 2036.

Fence colour

3. Notwithstanding the approved plans and condition 2 above, the proposed fence shall be finished in green and retained as that colour. There shall be no variation of this colour without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance and camouflage of the new development in accordance with Policy DH1 of the Oxford Local Plan 2036.

Arboricultural Method Statement

4. No development, including enabling works, shall take place until a detailed statement (the Arboricultural Method Statement (AMS)) has been submitted to and been approved in writing by the Local Planning Authority. The AMS shall detail any access pruning proposals, and shall set out the methods of any workings or other forms of ingress into the Root Protection Areas (RPAs) of retained trees. Such details shall take account of the need to avoid damage to the branches, stems and roots of retained trees, through impacts, excavations and chemical spillages including lime and cement. The development shall be carried out in strict accordance with the approved AMS unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To protect retained trees during construction in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

13. APPENDICES

- **Appendix 1 – Block plan**

14. HUMAN RIGHTS ACT 1998

14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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