

Oxford City Planning Committee

18th November 2025

Application number: 24/02890/FUL

Decision due by 24th March 2025

Proposal The upgrade of existing pitches and addition of new sports facilities including a light weight canopy and enclosure housing padel tennis courts, outdoor padel courts, cricket nets and the creation of a new basketball and netball hard surface court together with associated fencing. The refurbishment of Exeter Cricket Pavilion and Hertford Cricket Pavilion. Alterations to Exeter squash courts for use as a golf simulator and the change of use of Hertford squash courts to café, changing facilities, sports hub reception area and community facilities with associated access, parking, cycle parking, refuse and recycling, new footpaths and landscape.

Site address Hertford And Exeter College Sports Grounds, Edgeway Road, Oxford, Oxfordshire – see **Appendix 1** for site plan

Ward Marston Ward

Case officer Nia George

Agent: Miss Catherine Preston **Applicant:** C/O Agent

Reason at Committee Major development

1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **refuse the application** for the reasons given in paragraph 1.1.2 of this report and to delegate authority to the Director of Planning and Regulation to:

- finalise the reasons for refusal including such refinements, amendments, additions and/or deletions as the Director of Planning and Regulation considers reasonably necessary.

1.1.2. The recommended reasons for refusal are as follows:

- The proposed padel enclosure would fail to preserve the openness of the Green Belt and would conflict with the purpose of including land within it. The proposals amount to inappropriate development in the Green Belt where no exceptions apply. There are no very special circumstances to allow such inappropriate development in the Green Belt. As such the proposals are contrary to Policies G1 and G3 of the Oxford Local Plan 2036 and Chapter 13 of the NPPF.

2. The application site includes extensive areas of Flood Zone 3b (the functional floodplain) in which only water-compatible development is permitted. The proposed car park, golf simulator and 'hall' in the Exeter Pavillion are not deemed water compatible under Annex 3 of the NPPF and therefore these uses are inappropriate. The proposed padel enclosure fails to comply with the sequential test, the Flood Risk Assessment fails to consider how people will be kept safe from the identified flood hazards, and it also fails to take the impacts of climate change into account. The proposals are contrary to Policy RE3 of the Oxford Local Plan 2036, Chapter 14 of the NPPF, and the Flood Risk and Coastal Change Planning Practice Guidance.
 - The proposed drainage strategy fails to clarify whether the design incorporates lining to all detention/attenuation features which is required to avoid a reduction in storage volume due to high groundwater levels. There are vague suggestions of bunding proposed to protect attenuation features in flood risk areas, however they have not been fully detailed. In addition the submission fails to confirm that the Applicant is the riparian owner of the land where two headwalls are proposed to discharge into the Peasmoor Brook, and insufficient detail has been provided to demonstrate how this would operate in times of flooding with reference to levels. Overall the submission fails to demonstrate that the drainage strategy proposed complies with Policy RE4 of the Oxford Local Plan 2036.
 - Due to the size, mass and height of the padel enclosure, and the height of the proposed lighting and fencing structures associated with the intensification of use, the proposed development would detract from the setting of the existing building group on the site and their significance as Local Heritage Assets, the remote and peaceful character of the sports fields, the surrounding green spine and neighbouring Local Heritage Asset known as New Marston Meadows. The proposals would cause a high level of less than substantial harm to the setting of the identified heritage assets. The cumulative moderate level of public benefits derived from the proposed development would not outweigh the harm caused, and as such the proposals conflict with Policies RE2, DH1 and DH5 of the Local Plan and Chapter 16 of the NPPF.
3. The application site is located on the edge of the River Cherwell floodplain, adjacent to the relict channel of the Peasmoor Brook, where there is potential for prehistoric and Roman activity. Given the site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, the Local Planning Authority require the developer to submit an appropriate field evaluation. In the absence of an archaeological evaluation, insufficient information has been submitted with the application to establish the significance of the heritage assets at this site, and as such the submission fails to demonstrate compliance with Paragraph 207 of the NPPF and Policy DH4 of the Oxford Local Plan 2036.
 - The energy statement submitted claims that the proposed padel enclosure would be exempt from Part L Building Regulations and therefore claim the proposed padel enclosure would not need to achieve at least a 40% reduction in the carbon emissions compared with a 2013 building regulations compliance base case in accordance with the requirements of Policy RE1. No evidence has been

submitted with the application however to confirm this from a building control inspector and therefore in the absence of such the submission fails to demonstrate that the proposals comply with Policy RE1 of the Oxford Local Plan 2036.

- The acoustic assessment fails to consider the noise which would be emitted from the proposed air source heat pumps on sensitive receptors and local amenity. In the absence of any assessment, the submission fails to demonstrate how the air source heat pumps would not result in any detrimental impacts in relation to noise and disturbance and therefore fails to demonstrate compliance with Policies RE7 and RE8 of the Oxford Local Plan 2036.

4. EXECUTIVE SUMMARY

- 4.1. This report considers the proposed upgrade of existing pitches and addition of new sports facilities including a light weight enclosure housing padel tennis courts, outdoor padel courts, cricket nets and the creation of a new basketball and netball hard surface court together with associated fencing. It also considers the refurbishment of Exeter Cricket Pavilion and Hertford Cricket Pavilion, alterations to Exeter squash courts for use as a golf simulator, and the change of use of Hertford squash courts to café, changing facilities, sports hub, reception area and community facilities. In addition it considers the proposed associated access, parking, cycle parking, refuse and recycling, new footpaths and landscaping.
- 4.2. The application site comprises two recreation grounds which are owned by Hertford and Exeter Colleges. They currently comprise two cricket pavilions, two squash court buildings, as well as outdoor football pitches, cricket squares and tennis courts. The site is accessed from Edgeway Road in Marston where residential dwellings are located to the north and east of the site, and to the south and west the site lies adjacent to undeveloped land. The site is located within the green belt, within the setting of the Central Conservation Area and the New Marston Meadows and is located within the Elsfield View Cone. The site is located within Flood Zones 1, 2, 3a and 3b, and lies adjacent to the New Marston Meadows Site of Special Scientific Interest. In addition the existing pavilions and squash court buildings are considered as Local Heritage Assets.
- 4.3. Subject to conditions, the proposed development would be considered acceptable in relation to the following material considerations: highways safety and parking, biodiversity; trees and landscaping; health, wellbeing and safety; air quality; land quality and utilities.
- 4.4. The proposed padel enclosure would however fail to preserve the openness of the Green Belt and would amount to inappropriate development in the Green Belt. The proposed car park, golf simulator and hall in the Exeter Pavillion are not deemed water compatible under Annex 3 of the NPPF and therefore these uses are incompatible with their location within flood zone 3b. The proposed padel enclosure fails to comply with the sequential test, the Flood Risk Assessment fails to consider how people will be kept safe from the identified flood hazards, and it also fails to take the impacts of climate change into account. In addition the drainage strategy is insufficient for Officers to be able to establish if the strategy

is acceptable. The padel enclosure and the proposed lighting and fencing structures would detract from the setting of the existing building group on the site and their significance as Local Heritage Assets, the remote and peaceful character of the sports fields, the surrounding green spine and neighbouring Local Heritage Asset known as New Marston Meadows. Insufficient information has been submitted with the application to establish the significance of the heritage assets at this site. In addition the acoustic assessment fails to consider the potential impact of the proposed air source heat pump in relation to noise, and the energy statement fails to provide sufficient evidence to justify why the padel enclosure would be exempt from Part L Building Regulations.

- 4.5. Having assessed all material planning considerations, it is concluded overall that the development is unacceptable.

5. LEGAL AGREEMENT

- 5.1. This application is not subject to a legal agreement. Had Officers recommended approval, contributions would have been required in respect of travel plan monitoring and a review of the Marston South Controlled Parking Zone as requested by Oxfordshire County Council as Local Highways Authority.

6. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.1. The proposal is liable for CIL. An amount of £57,152.21 would have been requested had Officers recommended for approval.

7. SITE AND SURROUNDINGS

- 7.1. The application site comprises of Hertford College Recreation Ground and Exeter College Recreation Ground which are located in the Marston Ward of Oxford City. The two recreation grounds are situated to the south and west of residential dwellings in Marston, and to the north and east of undeveloped fields which surround the River Cherwell, including the New Marston Meadows. The grounds are located to the south of Fairfax Avenue and Croft Road Playground, to the west of Purcell Road, and to the north of Edgeway Road.
- 7.2. The recreation grounds currently comprise of two cricket pavilions, two squash courts and a storage building, as well as tennis courts, football pitches, and cricket squares. The existing cricket pavilions and squash courts are considered to be local heritage assets for social and architectural reasons.
- 7.3. Vehicle and pedestrian access to the site is currently via Edgeway Road to the south of the site, however there is also a footpath running to the east of the site allowing pedestrian access in the southeast corner behind Purcell Road. The two recreation grounds are physically separated by the Peasmoor Brook which runs north to south, however there is a bridge to the south of the site where users can cross over between both grounds.
- 7.4. The site is located within the Green Belt, within the Elsfield View Cone, within the setting of the Central Conservation Area, and to the north of the New Marston Meadows Site of Scientific Interest. The New Marston Meadows are also a local heritage asset in which the application site is located within its setting.

[illegible]

- 8.1. The application proposes the upgrade of existing pitches and addition of new sports facilities including a padel enclosure, outdoor padel courts, cricket nets and the creation of a new basketball and netball hard surface court together with associated fencing. Permission is also sought for the refurbishment of Exeter Cricket Pavilion and Hertford Cricket Pavilion, alterations to Exeter squash courts for use as a golf simulator, and the change of use of Hertford squash courts to café, changing facilities, sports hub, reception area and community facilities. In addition permission is sought for the associated access, parking, cycle parking, refuse and recycling, new footpaths and landscaping.
- 8.2. The Exeter pavilion is proposed to be refurbished with no alterations proposed to the internal layout and use of the building other than the storage rooms being used for ground staff. Ramps and steps are proposed to the north and south of the building to improve access and the existing fenestration would be restored.
- 8.3. The Hertford pavilion is proposed to be refurbished with no alterations proposed to the internal layout and use of the building. Ramps and steps are proposed to the east and west of the building to improve access and the existing fenestration would be restored.
- 8.4. The Hertford squash courts building are proposed to be refurbished with the squash courts removed and replaced with a café, changing facilities, sports hub, reception area and community space. To facilitate this, steps and ramps are proposed to upgrade access to the building to both the north and south of the building, and additional windows are proposed at both ground and first floor. An air source heat pump is also proposed externally to the east of the building.

- 8.5. The Exeter squash courts building is proposed to be refurbished with the squash courts removed and replaced with a golf simulator. To facilitate this, steps and a ramp are proposed to upgrade access to the building to the east and south of the building, and additional louvres are proposed to sit just under the eaves on the north and south elevations, and alterations are proposed to the fenestration.
- 8.6. A padel tennis enclosure is proposed approximately measuring 59.2m in length, 25.4m in width, with a curved roof with a maximum height of approximately 10.5m. The walls and roof of the enclosure would be clad in green polycarbonate sheets. It would be situated to the northeast of the Hertford Squash Courts.
- 8.7. Three outdoor padel tennis courts are proposed just to the north of the Hertford squash courts building. Two basketball and netball courts are proposed to the west of the Exeter pavilion as well as six cricket nets. The outdoor courts and nets as well as the padel enclosure would be surrounded by security fencing measuring approximately 2.4m high. In addition external lighting is proposed on the outdoor padel and basketball/netball courts.
- 8.8. The two existing cricket squares and the four existing football pitches would be retained on the site although the layout reconfigured. The football pitches would also be able to be marked out for rugby and hockey pitches. The existing outdoor tennis courts would be removed.
- 8.9. A new footpath is proposed at the eastern side of the site leading from the existing pedestrian gate next to Hertford pavilion. The footpath would extend along the eastern boundary of the recreation ground and would extend along the south boundary of the recreation ground, terminating at the existing hardstanding which runs to the south of the Hertford squash courts building. The footpath would measure approximately 1.5m in width.
- 8.10. A cycle store is proposed directly to the west of Exeter squash courts building, and a bin store is proposed to next to the entrance to the site from Edgeway Road within the car park.
- 8.11. Sheffield stands are also proposed to the east of the new cricket nets, to the south of Exeter pavilion, to the west of the Hertford squash courts building, and to the west of Hertford pavilion. In each location 5 Sheffield stands are proposed which would be able to accommodate 10 bicycles.
- 8.12. Landscaping is proposed across the site including the provision of additional trees and hedgerows, and an infiltration basin is proposed to the east of the padel enclosure.
- 8.13. It must be noted that during the course of the application revised plans were received by the Agent which provided clarification to concerns raised by Sport England. This clarification included showing the ramps and steps and the internal layout proposed on the floor plans for each of the buildings, site layout drawings showing the existing and proposed sports pitch layouts as well as existing site topography. In addition amended plans were received to remove the meeting room within the Exeter pavilion. Additional plans and documentation were also

received during the course of the application to address comments received relating to flooding and drainage, heritage, air quality, and highways and parking. Given the minor nature of the revisions there was no need to readvertise the amended plans/documentation.

9. RELEVANT PLANNING HISTORY

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

<p><i>Exeter College Sports Ground</i></p> <p>60/01100/M_H - Squash racquet court, addition to sports pavilion. Approved 9th November 1960.</p> <p><i>Hertford College Sports Ground</i></p> <p>82/00606/NFH - Two squash courts and changing facilities (Amended Plans: revised location). Approved 1st December 1982.</p> <p>82/00912/NF - Two groundsman's flats (Revised Location). Refused 21st April 1983.</p>
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10. RELEVANT PLANNING POLICY

10.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	131-141	DH1: High quality design and placemaking DH7: External servicing features and stores	
Conservation/Heritage	202-221	DH2: Views and building heights DH3: Designated heritage assets DH4: Archaeological remains	

		DH5: Local Heritage Assets	
Housing	61-84	H14: Privacy, daylight, and sunlight	
Natural environment	142-160, 161-186, 187-201	RE3: Flood risk management RE4: Sustainable and foul drainage, surface and groundwater flow RE9: Land quality G1: Protection of Green and Blue Infrastructure Network G2: Protection of biodiversity and geo-diversity G3: Green Belt G7: Protection of existing Green Infrastructure features G8: New and enhanced Green and Blue Infrastructure Network features	
Social and community	96-108	RE5: Health, wellbeing, and Health Impact Assessments G5: Existing open space, indoor and outdoor sports and recreation facilities	

		V7: Infrastructure and cultural and community facilities	
Transport	109-118	M1: Prioritising walking, cycling, and public transport M2: Assessing and managing development M3: Motor vehicle parking M5: Bicycle Parking	Parking Standards SPD
Environmental	124-130, 161-186	RE1: Sustainable design and construction RE2: Efficient use of land RE6: Air quality RE7: Managing the impact of development RE8: Noise and vibration	Energy Statement TAN
Miscellaneous	7-14,	S1: Sustainable development S2: Development Contributions V8: Utilities V9: Digital Infrastructure	

10.2. Other relevant documents:

- Town and Country Planning Act 1990
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning Practice Guidance

- Historic England's Historic Environment Good Practice Advice in Planning: 2
- Sport England Playing Fields Policy and Guidance
- Oxford's Playing Pitch Strategy 2022-2036

11. CONSULTATION RESPONSES

11.1. Site notices were displayed around the application site on 15th January 2025 and an advertisement was published in The Oxford Times newspaper on 16th January 2025.

Statutory consultees

Oxfordshire County Council (Highways)

11.2. No objection, subject to conditions and contributions - The proposals constitute a significant intensification on the site. The facilities will be used by the general public as well as students. Bollards will be located on Edgeway Road towards the junction with Ferry Road and there will be a remote-operated system. Improvements at the Edgeway Road junction with the Marston Cycle Path are required to mitigate the intensification of use of Edgeway Road. No increase in parking is proposed, the applicant proposes that the increase in parking demand will be met on adjacent local residential roads. The proposed development could potentially lead to a parking stress of 82% which could lead to congestion and highway safety issues. A contribution for a review of the Marston South Residents Parking Zone is therefore required.

Lead Local Flood Authority

11.3. Objection received - Permeable geotextiles are proposed for attenuation features in high groundwater areas which is not appropriate. Vague suggestions of bunding to protect attenuation features in flood risk areas have not been fully detailed, or the flood risk properly assessed. Compensatory flood storage area has a connecting pipe shown to the watercourse, however there is insufficient detail on how well it would operate in times of flooding.

Environment Agency

11.4. Objection received - The submitted Flood Risk Assessment (FRA) does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development.

Natural England

11.5. No objection – consider that the proposed development would not have significant adverse impacts on statutory designated sites including the New Marston Meadows Site of Special Scientific Interest.

Thames Water Utilities Limited

11.6. No comments – offered no advice on this case.

Sport England

11.7. No objection, subject to conditions – The proposed development of new floodlit netball courts, a golf simulator, new padel courts and 6 cricket nets (outdoor) would all provide benefit to sport and the wider community and would be supported meeting exception 5 of Playing Fields Policy. As the existing pavilions are intended to be re-used, it is not possible for the changing facilities to comply with current guidance but it is welcomed that the applicant has made amendments to the design. Sport England further welcomes the intention to improve the playing fields at the site. The England and Wales Cricket Board has offered to provide further guidance with implementing the proposed playing field improvements/moving and re-establishing the cricket square and reviewing the design of the proposed cricket nets.

Active Travel England

11.8. No comments – standing advice should be considered by the Local Planning Authority.

Historic England

11.9. No comments – offered no advice on this case.

Oxfordshire County Council (Fire and Rescue)

11.10. It is taken that these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service where applicable, to ensure compliance with the functional requirements of The Building Regulations 2010.

Thames Valley Police (TVP)

11.11. Secured By Design offers numerous crime prevention design guides for varying applications including residential developments. TVP would strongly advise that the applicant reviews Commercial 2023 and incorporates the general principles of the scheme.

Public representations

11.12. Public comments were received on this application from addresses in Purcell Road, Hugh Allen Crescent, Weldon Road, Parry Close, Edgeway Road, Lynn Close, Croft Road, Goodson Walk, Park Farm, and Ferry Road. In addition comments were received by Oxford Preservation Trust, New Marston (South) Residents' Association, and Cyclox.

11.13. In summary, the main points of objection were:

- Access

- Amount of development on site
- Effect on adjoining properties
- Effect on character of area
- Effect on existing community facilities
- Effect on pollution
- Effect on privacy
- Effect on traffic
- Flooding risk
- Height of proposal
- Information missing from plans
- Light - daylight/sunlight
- Local ecology, biodiversity
- Local plan policies
- Noise and disturbance
- Not enough information given on application
- On-street parking
- Parking provision
- Public transport provision/accessibility
- Transport Assessment fails to consider key aspects of site usage
- Increased risk of collisions with cyclists at end of Edgeway Road
- Flood Risk Assessment does not consider all available evidence of flood events
- Noise will be introduced at unsociable times of the day impact nearby residents
- Padel building will be dominant, high, and does not fit in with the surroundings which is traditional in style
- Padel building will impact light available to neighbouring dwellings
- Additional hardstanding will make flooding worse
- Number of padel courts should be reduced
- Will increase traffic in the area which is already high
- Lighting and noise of padel will impact local residents and wildlife
- Development could promote more understanding of the meadows as a SSSI
- Venue should be car free
- Development is intended as a commercial sports and leisure site and

suitability in terms of access, transport, in-keeping with the local area and impact on the local community should be considered in terms of this material change of use

- Padel court would obstruct views of the dreaming spires from the Croft Road Recreation Ground
- Noise survey conducted insufficient
- Underestimates visitors coming by car
- Edgeway road unsuitable for construction traffic and a retractable bollard is needed at the end of the lane
- Lighting until 11pm will impact local properties
- 11pm is too late in a residential area to operate
- Padel is currently a fashionable sport but may not be in 20-30 years time
- Potential impact of oil pollution to the Peasmoor Brook
- Not convinced SuDS will mitigate land being taken out of floodplain
- Intensification of site will disrupt enjoyment of the space as a natural area
- Queries over whether the proposed facilities would be affordable to use
- Noise of padel would impact wildlife
- Developers have not made it clear that the intention is for the padel centre to host international competitions.
- Opening hours should be revised
- Impact upon New Marston Meadows and SSSI
- New footpath should be open towards the existing path and there should be frequent entrance and exit points
- Noise from construction and comings and goings
- Proposals should entail for adjacent streets to be only resident parking on weekends
- Edgeway Road not sufficient for buses
- Lighting models not accurate
- Risk of flooding severely underestimated
- Parking survey underestimates trips being carried out in July, on weekdays at 19:00hrs
- Proposals do not align with broader goal of reducing neighbourhood traffic levels
- Intensification of use from the current site would significantly impact local area
- CPZ should be extended to weekends and evenings
- Gravel car park is a recent addition to the site which may require planning

permission, 20 spaces is overestimated

- Air quality assessment is insufficient
- Padel tennis should be located further away from houses
- Exacerbate local sewage system problems
- Not clear if proposals will reduce crime and anti-social behaviour in area
- Not clear if feedback from public consultation has influenced proposals
- Drainage plans not credible
- Opportunity for Applicant to upgrade cycle track between Pavilion and Croft Road Recreation Ground
- No drinking water taps except for toilets
- No umpires' rooms
- Lockers unnecessary
- Pavilion changing rooms small
- No kitchen facilities nor showers in the pavilions
- Proposals represent significant increase in urbanisation in relation to built form and activity
- Proposals undermine the open nature of the rural landscape, and the character and quality of the landscape
- Located in green belt and no special circumstance to justify the development, contrary to its openness and permanence
- Consider area of the site is valued landscape under paragraph 187 (a) of NPPF
- Cycle parking needs to be accessible without dismounting
- Car parking should be reduced by 25% in line with the County Council's car trip reduction targets
- Increased light, noise and hardstanding across the site will harm the wider rural character of the area
- Padel enclosure would have an industrial scale and would dominate surroundings
- Lighting would impact the heritage and ecological character of the area as well as the green belt
- Impact of traffic upon operation of Park Farm
- Parking within the immediate vicinity will damage the rural character
- Conditions should be imposed to constrain the level and times of activity being envisaged by the applicants
- Shared use of track by vehicles and pedestrians and cycles

11.13.1. In summary, the main points of support were:

- Brings new sports facilities to the area
- Encourages active travel
- Becomes a new hub for the community
- Padel will appeal to multi generations
- Proposed footpath that will run parallel to cycle path will relive pedestrian traffic
- Lighting along the footpath is much needed which is currently dark and dangerous at night
- Café facilities and community room will encourage more people to use the development
- Sports fields are underused
- Social facilities are severely lacking in Marston
- Sports, meeting rooms and cade can impact wellbeing and mental health
- Currently the site is unused with vandalised buildings
- Proposal will hopefully eradicate anti-social behaviour
- Additional footpath is welcomed

Officer response

11.14. Each of the material planning considerations raised have been addressed within the relevant sections of the report.

12. PLANNING MATERIAL CONSIDERATIONS

12.1. Officers consider the determining issues to be:

- Principle of development
- Green belt
- Design, views and impact upon heritage assets
- Neighbouring amenity
- Flooding and drainage
- Highways safety and parking
- Archaeology
- Sustainability
- Biodiversity
- Trees and landscaping
- Health, wellbeing and safety
- Air quality

- Land quality
- Utilities

a. Principle of development

- 12.2. Policy V7 states that the City Council will seek to protect and retain existing cultural and community facilities. Planning permission will not be granted for development that results in the loss of such facilities unless new or improved facilities can be provided at a location equally or more accessible by walking, cycling and public transport. In principle, applications to extend capacity, improve access and make more intensive cultural/community use of existing sites will be supported.
- 12.3. Policy G1 states that green and open spaces and waterways of the Green and Blue Infrastructure Network are protected for their social, environmental and economic functions and are defined on the Policies Map. It notes that planning permission will not be granted for development that would result in harm to the Green and Blue Infrastructure network, except where it is in accordance with Policies G2-G8.
- 12.4. Policy G5 states that the City Council will seek to protect existing open space, sports and recreational buildings and land. It notes that existing open space, indoor and outdoor sports and recreational facilities should not be lost unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 12.5. Policy G5 also states that consideration will be given to the need for different types of sports pitches as identified in the Playing Pitch Study. Any replacement provision should be provided in a suitable location equally or more accessible by walking, cycling and public transport, and accessible to local users of the existing site where relevant.
- 12.6. Policy RE2 states that planning permission will only be granted where development proposals make efficient use of land. It also notes that development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford, as well as addressing the following criteria:
- a) the density must be appropriate for the use proposed;
 - b) the scale of development, including building heights and massing, should conform to other policies in the plan. It is expected that sites at transportation hubs and within the city and district centres in particular will be capable of

accommodating development at an increased scale and density, although this will also be encouraged in all other appropriate locations where the impact of so doing is shown to be acceptable;

c) opportunities for developing at the maximum appropriate density must be fully explored; and

d) built form and site layout must be appropriate for the capacity of the site.

12.7. Paragraph 104 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

12.8. In relation to Policy V7, the proposals involve the upgrade and refurbishment of the existing facilities as well as the introduction of additional facilities at the site. The existing four football pitches and two cricket squares on the site would be retained as part of the proposals, and the existing pavilions would be refurbished. Whilst the existing outdoor tennis courts and squash courts would be lost, additional sports facilities would be introduced to compensate for this including padel courts, basketball and netball courts, cricket nets, as well as a golf simulator. In addition, a café and community space would be introduced, and therefore overall the proposals would extend capacity, improve access as well as make a more intensive use of the current site which is wholly supported.

12.9. In relation to Policy G1, the application site is a green and open space which is protected for its social, environmental and economic functions, as confirmed on the Policies Map for the Oxford Local Plan 2036. Policy G1 outlines that planning permission will not be granted for development that would result in harm, except where it is in accordance with Policies G2-G8. Officers have assessed the proposals against these policies where relevant, in which it is noted that Policies G4 (Allotments and community food growing) and G6 (Residential garden land) do not apply. It is considered that the proposal would accord with all of the Policies except Policy G3 (Green Belt). As discussed within the following section of the report, it is considered that the padel enclosure is inappropriate development in which its scale and massing would cause harm to the openness of the green belt. In addition it is considered that there are no exemptions that apply for allowing the inappropriate development, nor any very special circumstances. As such the proposals by virtue of failing to comply with Policy G3 fail to comply with Policy G1 too.

12.9.1. In relation to Policy G5, the existing outdoor sports facilities on the site

comprising of four football pitches and two cricket squares would be retained as part of the proposals. In addition the existing cricket pavilions would be retained and refurbished. The existing squash courts and tennis courts would however be lost as it is proposed to refurbish the squash court buildings and convert them into different sports and community facilities, and to replace the tennis courts with padel courts. The squash courts are proposed to be used as a golf simulator, café as well as community centre with ancillary facilities. Whilst existing sports facilities would be lost, it is noted Policy G5 allows for this if the development is for alternative sports and recreational provision, where the benefits of which clearly outweigh the loss of the current or former use.

- 12.9.2. Linked to the requirements of G5, the NPPF, similarly states that existing open space and playing fields should not be built on unless the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. The proposed padel enclosure would be built on the existing open space and therefore is only acceptable if it meets the exemption in the NPPF. The Applicant has highlighted that additional facilities are proposed including padel tennis which is a rapidly growing sport popular with all age groups. Officers also note that whilst a building is proposed on the recreation ground, the building would provide four padel courts which is an alternative sports provision. Sport England were consulted on the application and they noted that whilst the proposed development does involve the loss of playing fields, that the proposals overall meets exception 5 of their Playing Field Policy. This notes the following:

The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

- 12.10. It is noted that within Sport England's response they note that The Council's Playing Pitch Strategy (published in 2022) has limited information about the site and records only cricket and rugby pitches on the site. Having regard to the limited information in the Council's own strategy, coupled with no objection being raised by Sport England, as well as the significant increase in sports facilities being proposed on the site overall, it is considered that the proposals would comply with Policy G5 and paragraph 104 of the NPPF.

- 12.11. In relation to Policy RE2, the proposals would make efficient use of the existing recreation ground by upgrading and increasing the number of sports facilities on the site. The policy does however require that proposals must be compatible with the site itself and the surrounding area. Whilst the majority of the proposed development would be considered to accord with this, the padel enclosure is considered to be of a scale and massing that fails to conform to other policies in the plan. The proposed padel court at approximately 59.2m in length, 25.4m in width, and 10.5m in height is considered due to its scale and massing to cause harm to the openness of the Green Belt as well as the setting of local heritage assets on the site as well as the New Marston Meadows. In addition the height of the proposed lighting and fencing structures associated

with the intensification of use would detract from the setting of the existing building group and their significance as local heritage assets, and the remote and peaceful character of the sports fields, the surrounding green spine and neighbouring local heritage asset known as New Marston Meadows. It is therefore considered that the proposed padel enclosure does not conform to Policies G3, DH1 and DH5 of the Oxford Local Plan.

12.12. As such the proposals fail to comply with Policies G1 and RE2 of the Oxford Local Plan 2036.

b. Green Belt

12.13. Policy G3 states that proposals for development in the Green Belt will be determined in accordance with national policy. Planning permission will not be granted for inappropriate development within the Green Belt, in accordance with national policy.

12.14. Paragraph 143 of the NPPF states that the green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

12.15. Paragraph 153 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness (other than in the case of development on previously developed land or grey belt land, where development is not inappropriate). Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

12.16. Previously developed land is defined within the NPPF as follows:

Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and

allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

12.17. Grey belt is defined within the NPPF as follows:

For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

12.18. The Planning Practice Guidance outlines that when making judgements as to whether land is grey belt, authorities should consider the contribution that assessment areas make to Green Belt purposes a, b, and d. The Government has also outlined how to consider whether the land makes a 'strong', 'moderate' or 'weak' contribution.

12.19. Paragraph 154 outlines that development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;

- iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
- v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

12.20. The PPG outlines that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgement based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness
- the degree of activity likely to be generated, such as traffic generation

12.21. Paragraph 155 of the NPPF notes that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed;
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.

12.22. Paragraph 156 states that where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions (‘Golden Rules’) should be made:

- a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;

- b. necessary improvements to local or national infrastructure; and
- c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.
- 12.23. The proposed development includes the refurbishment of the existing cricket pavilions and alterations to the squash court buildings which do not result in disproportionate additions over and above the size of the original buildings, and as such this element of the proposals would meet exemption c of paragraph 154 of the NPPF.
- 12.24. It is noted that the provision of facilities in connection with the existing use of land for outdoor sport including buildings is allowed under exemption b. This is only allowed for however as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 12.25. The proposed new facilities on site would all be in connection with the existing use of the land for outdoor sport. The majority of the facilities proposed would be considered to preserve the openness of the Green Belt. The upgrade of the existing pitches, outdoor padel courts, cricket nets, basketball and netball courts, parking areas, waste stores, footpaths and landscaping, are all considered to retain the openness of the site. The hard surfacing and small storage areas when considered in the context of the overall site area would be minimal additions which would preserve the openness of the site as recreation grounds.
- 12.26. The proposed padel tennis enclosure would however be a considerably large facility which would approximately measure 59.2m in length, 25.4m in width, and would have a curved roof with a maximum height of approximately 10.5m. Whilst the walls and roof of the enclosure have been chosen to be clad in translucent green polycarbonate sheeting to mitigate its visual impact, it is considered that the low quality of the material coupled with the significant volume of the building would fail to preserve the openness of the green belt as it would result in both spatial and visual impacts. Although the Applicant has justified that the material chosen would be translucent and would appear as a background element and not draw attention to itself, Officers consider that the low quality of the proposed material when coupled with the scale of the building would have a detrimental impact upon the character and openness of the area. Officers also note that the padel enclosure is proposed on a permanent basis and the canopy would be in situ all year round, and as such there is no intention for the land to return to its original state. Officers also must acknowledge that whilst there are four buildings existing on the recreation grounds at present; the two pavilions and the two squash court buildings, the proposed padel enclosure would be substantially bigger when compared to these buildings. For comparison the largest existing building is Herford squash courts building which has an approximate footprint of 217sqm, whereas the padel enclosure has an approximate footprint of 1,503sqm.
- 12.27. As discussed in more detail within the design section of this report, it is considered that the padel enclosure would cause less than substantial harm to the setting of designated and non-designated heritage assets. It is also

considered that the proposed padel enclosure would not preserve the setting of the Elsfield View Cone nor the Central Conservation Area, and as such the proposal would impact upon the setting and special character of the historic city of Oxford. This therefore contradicts purpose (b) of the Green Belt, and as such the proposals are considered to be inappropriate development.

12.28. Officers have also had regard to whether the development would be sited on previously developed land or grey belt land. The proposed padel courts would be located on the existing recreation ground in a grassed area which has not been developed upon before. Within the definition of previously developed land in the NPPF it notes that this excludes recreation grounds. Therefore the site is not previously developed land.

12.29. In relation to grey belt land, Officers consider that the land in question does strongly contribute to preserving the setting and special character of Oxford which is a historic town. Within the PPG it outlines that in relation to purpose (d), assessment areas that contribute strongly are likely be free of existing development and to include all of the following features:

- form part of the setting of the historic town
- make a considerable contribution to the special character of a historic town. This could be (but is not limited to) as a result of being within, adjacent to, or of significant visual importance to the historic aspects of the town

12.30. In this case the land is free of existing development and is considered to meet both of the above criteria. The application site lies adjacent to the undeveloped floodplain to the east of the River Cherwell which surrounds the north and east of the historic town centre. The Oxford Central Conservation Area Appraisal emphasises the importance of this flood plain and the meadows as they are important for panoramas of the famed towers and spires rising above the meadows, as well as views looking outwards towards the green space.

12.31. Various vantage points surrounding the application site allow for views across the undeveloped land within the green belt towards the historic centre of Oxford where the 'dreaming spires' can be appreciated. As such it is considered that the land makes a strong contribution to purpose (d) in paragraph 143 of the NPPF, and that the land is not grey belt.

12.32. In relation to paragraph 155, the development would not utilise grey belt land and as such criteria a does not apply. In relation to criteria b and unmet need, North Oxford Lawn Tennis Club have one outside court and Oxford Sports Lawn Tennis Club have three outdoor courts. Outside of Oxford, Bicester Hotel Golf and Spa there are three padel courts, of which two have canopies to allow for play in all weather conditions. As such Officers consider that there is not a demonstrable unmet need for this type of development. In relation to criteria c and a sustainable location, bus stops are located 600m from the edge of the site on the Marston Road which are served by the X3 service with a frequency of 20 minutes, and the Marston Cycle Path which is a well-used cycle track linking central Oxford to Marston and Headington is located to the south-east of the site. In addition there is a public right of way footpath located along the eastern

boundary of the site. As such on balance it is considered that the site is located in a sustainable location. Regard has been given to paragraphs 110 and 115 of the NPPF in which it is noted within the highways safety and vehicle parking section of this report that the Local Highways Authority have raised no objection to the scheme subject to conditions. In relation to criteria d, the proposals do not involve the provision of housing. As such the proposals do not meet each criteria a, b, c, and d, and as such are not exempt from being considered inappropriate development.

12.33. As noted in paragraph 153 inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to say that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

12.34. The Applicant has noted that should Officers consider the lightweight enclosure as inappropriate development in the Green Belt, that they consider the very special circumstances in association with the many public benefits tip the balance in favour of the proposals. The Applicant has listed the public benefits in their planning statement which Officers have set out below and provided commentary on each:

- Bringing back into meaningful use buildings that have fallen into a state of disrepair for use as supporting infrastructure for the wider sports facilities.
 - Officers give moderate weight to this. Officers consider the existing pavilions and squash courts to be local heritage assets and as such restoring these buildings from their current poor state and bringing back into use is welcomed. Officers note however that this benefit could be achieved without the padel tennis enclosure.
- The landscape scheme will result in enhancements to the existing natural landscape and provide extensive new planting which will achieve a biodiversity net gain in grassland habitat and hedgerow habitat, exceeding the mandatory 10% requirement.
 - Officers give low weight to this. Whilst the scheme does provide biodiversity benefits, these could be achieved without the padel enclosure. In addition the padel enclosure occupies a large footprint approximately 59.2m in length by 25.4m in width and therefore without this element of the scheme there would be less enhancements required.
- In response to both the applicant's and neighbours' requests, the proposal will improve public access throughout the site through the provision of new pathways connecting with the wider highway network. The sports hub, in combination with the associated new access paths, will bring about an improvement in health and wellbeing of its future users.
 - Officers give low weight to this. Whilst the additional footpaths are welcomed and will improve connectivity, Officers note that this benefit could be achieved without the padel tennis enclosure.

- The new sports pitches and sensitive lighting at the site will address historic issues of antisocial behaviour and vandalism which is known to the applicants and neighbours as a long-standing issue which has resulted in the underuse of this site.
 - Officers give moderate weight to this. The increased use and activity on the site when coupled with the lighting would help prevent anti-social behaviour. Officers note however that this benefit could be achieved without the padel tennis enclosure.
- The active use of the site for the duration of the year is further considered to reduce the opportunity for undesirable behaviours at and around the site.
 - Officers give moderate weight to this. The increased use and activity on the site for the duration of the year would help prevent anti-social behaviour. Whilst Officers note the padel enclosure would be in use all year around and would actively contribute to this benefit, it is noted that the indoor café, community space and golf simulator are all indoor spaces which would also contribute to this benefit.
- The facilities will be fully inclusive providing facilities for the use of all ages and abilities. The proposals will improve accessibility to all existing buildings and new facilities will be DDA compliant.
 - Officers give low weight to this. The facilities proposed would encourage exercise and movement to a wide audience. Officers note however that this would take place without the padel enclosure too.
- The transport strategy for the site promotes sustainable transport modes for future users.
 - Officers give low weight to this. Whilst bicycle parking spaces would be increased and no additional car parking spaces are proposed, it is considered that a number of visitors would travel by car. As highlighted by the Local Highways Authority, the proposed development could potentially lead to a parking stress of 82% which could lead to congestion and highway safety issues. Therefore they recommended for a contribution towards a review of the Marston South Residents Parking Zone.
- The development will provide jobs through the construction phase of the development and will increase opportunities for employment in its operational phase.
 - Officers give low weight to this. The jobs during the construction phase would be temporary and within the application form it has been confirmed that there would be three full time employees which is only an increase in one job from the current level.
- The proposals include a café and new community space for hire. These community facilities are generally lacking within the local neighbourhood.
 - Officers give moderate weight to this. These facilities would create social benefits in the area, however it is noted that padel enclosure is not relevant to this.

12.35. Having had regard to each of the public benefits outlined by the Applicant, Officers consider that none of these alone nor cumulatively amount to very special circumstances for the development to be allowed on green belt land.

12.36. As such the proposals are contrary to Policy G3 of the Oxford Local Plan 2036 and Chapter 13 of the NPPF.

c. Design, views and heritage assets

12.37. Policy DH1 of the Oxford Local Plan 2036 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.

12.38. Policy DH2 states that the City Council will seek to retain significant views both within Oxford and from outside, in particular to and from the historic skyline. Planning permission will not be granted for any building or structure that would harm the special significance of Oxford's historic skyline. It also notes that planning permission will not be granted for development proposed within a View Cone or the setting of a View Cone if it would harm the special significance of the view.

12.39. Policy DH3 outlines that for all planning decisions for planning permission or listed building consent affecting the significance of designated heritage assets, great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance. It also outlines that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal. Clear and extensive justification for this harm should be set out in full in the heritage assessment.

12.40. Policy DH5 states that planning permission will only be granted for development affecting a local heritage asset or its setting if it is demonstrated that due regard has been given to the impact on the asset's significance and its setting and that it is demonstrated that the significance of the asset and its conservation has informed the design of the proposed development. In determining whether planning permission should be granted for a development proposal, which affects a local heritage asset, consideration will be given to the significance of the asset, the extent of impact on its significance, as well as the scale of any harm or loss to the asset as balanced against the public benefits that may result from the development proposals.

12.41. Policy DH7 states bike and bin stores and external servicing features should be considered from the start of the design process. Planning permission will be granted where it can be demonstrated that:

- a) bin and bike storage is provided in a way that does not detract from the overall design of the scheme or the surrounding area, whilst meeting practical needs including the provision of electric charging points where appropriate; and

b) external servicing features have been designed as an integrated part of the overall design, or are positioned to minimise their impact; and

c) materials used for detailed elements such as for stores or rainwater goods are of high quality so they enhance the overall design and will not degrade in a way that detracts from the overall design

12.42. Policy RE2 states that planning permission will only be granted where development proposals make efficient use of land. It outlines that development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford, as well as addressing the following criteria:

a) the density must be appropriate for the use proposed;

b) the scale of development, including building heights and massing, should conform to other policies in the plan. It is expected that sites at transportation hubs and within the city and district centres in particular will be capable of accommodating development at an increased scale and density, although this will also be encouraged in all other appropriate locations where the impact of so doing is shown to be acceptable;

c) opportunities for developing at the maximum appropriate density must be fully explored; and

d) built form and site layout must be appropriate for the capacity of the site.

12.43. Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

12.44. Paragraph 213 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

12.45. Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

12.46. Paragraph 216 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

12.47. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities to have special regard to preserving or

enhancing the character and appearance of the Conservation Area and which it is accepted is a higher duty.

Significance: Elsfield View Cone and setting of the Central Conservation Area

- 12.48. The site lies within the Elsfield View Cone and within the setting of the Central Conservation Area. From the Elsfield viewing point, views of Oxford are seen in an extensive rural landscape setting contained within an amphitheatre of hills that has remained relatively unchanged since the 18th century. The city centre is seen indistinctly as a mass of rooftops with the historic spires and domes rising above as a distant cluster indicating the city's historic character as a centre of religion, learning and prestigious architecture. The Elsfield view cone is significant for the survival of the rural foreground and spread of green up to the walls of the historic city.
- 12.49. The site is part of the Cherwell valley flood plain, which has a peaceful and remote character despite its proximity to the city centre and surrounding suburbs. This green spine of the Cherwell flood plain runs along the eastern edge of the city centre, separating it from its outlying suburbs and plays a crucial role in the green setting of the Central Conservation Area.
- 12.50. The presence of the undeveloped flood plain meadows results in views being possible towards the historic city centre and its dreaming spires from the application site and locations surrounding it. This includes the Croft Road Playground to the north and from Edgeway Road to the south.

Significance: Sports pavilions (local heritage assets)

- 12.51. Both the Exeter and Hertford cricket pavilions comprise local heritage interest for social and architectural reasons. They are relatively modest structures contributing to the designed landscape of these sports fields and represent the quintessential image of English national identity at the time of their construction, and the colleges commitment to provide leisure facilities for their students. The modest scale and size of the pavilions ensures the remote rural and peaceful character of this area of the Cherwell Valley is maintained.
- 12.52. The Exeter cricket pavilion was constructed circa 1920s, designed by T.Harold Hughes and comprises an architectural elegance with verandas, a raised viewing platform and clock tower. Despite suffering vandalism, it appears to retain a substantial amount of original/ early architectural features and materials.
- 12.53. The Hertford cricket pavilion, likely to have been constructed in the early 20th century, is of a vernacular Arts and Crafts design, appearing to have been modelled on the typical Indian bungalow design featuring a timber frame on brick plinth. Similarly to the Exeter pavilion, it appears to retain a good amount of original/ early architectural features and materials.
- 12.54. The Exeter squash court building is fairly modest in size and could date from the first half of the 20th century, whilst the Hertford squash court building dates from the mid-late 20th century and is of a more substantial footprint, size and massing. Both have an austere architectural character and appearance which is

representative of their function. They comprise a degree of local heritage interest as together with the cricket pavilions, they hold group value representative of the historic development of English and specifically Oxford college sporting culture. The building group do not detract from the rural and peaceful character of this green spine.

Significance: New Marston Meadows (local heritage assets)

12.55. The New Marston Meadows was added to the Oxford Heritage Asset Register in May 2025. It comprises of the riverside meadows on the eastern side of the River Cherwell to the south west of the application site. The historical significance of New Marston Meadows lies primarily in its “untouched” nature since the 11th Century, when the meadow would have played a vital role in the livelihoods of townspeople and agricultural labourers living within and around Oxford. This is evidenced by the surviving “ridge and furrow” formations which hold archaeological, historic and evidential interest and which has the potential to be used as an educational tool.

12.56. Whilst evidence of ridge and furrow exists elsewhere within Oxford, the meadows are a remarkable survival so close to Oxford City Centre, resisting development whilst the city has expanded around them. They also form part of the green setting to the Central and North Oxford Conservation Areas as well as contributing to the character of Marston. They are also considered a valuable local asset promoting biodiversity, health and wellbeing and open space close to the city centre. This is recognised in the site’s designation as an SSSI.

Impact assessment: Elsfield View Cone and the setting of the Central Conservation Area

12.57. The site lies directly below the principal cluster of spires and domes, within the middle ground of the view which is characterised by the dense mass of trees which surround the city centre formed by the Cherwell Valley, Headington Hill, Northway and New Marston suburbs and Old Marston village.

12.58. As shown by the verified photography of the LVIA (view 1), the new padel court canopy would sit directly below the Radcliffe Camera dome, New College tower, the spire of St Mary’s, and the Old Bodleian tower, amongst the dense tree cover of the Cherwell Valley. At this mid-ground point directly below the main cluster of spires and domes, the only existing structures visible through the dense tree cover are a telecommunication mast, and a couple of roof/chimney tops. These elements appear as small narrow features poking above/through the trees.

12.59. The top portion of the padel court canopy roof would be visible through the trees, fairly close to the base of the spire cluster, with more of the structure showing in the winter months. The roof structure would appear as a flat horizontal line with green-blue infill, which due to the horizontal design form and colour, would contrast with the colour and appearance of the tree cover surrounding it and the city centres’ stone buildings which are sited directly above it, appearing an incongruous feature interrupting this band of dense tree cover to the detriment of the setting of the city centre and significance of the view cone.

Similarly, a degree of light pollution would be emitted from the site (the padel courts and basketball/netball courts) at night, which would highlight the suburbs in the middle ground of the view, detracting from the role of the city centre as the focus of the view. Arguably, the lighting of the football stadium is significantly more prominent and visually distracting from the spires, together with the safety lighting of construction cranes to the right of the spires and the JR Hospital to left. Nevertheless the illumination of the site in question, contributes to the cumulatively harmful impact of the existing illumination, and for that reason causes a degree of harm to the view.

12.60. The agent has stated that "This visibility (*of the padel court in the local and long-range views*) is minimal at all times of the year and does not materially affect the ability to appreciate the highly-graded listed buildings which define the character of the city centre skyline." Although the padel court would be a fairly small addition to what is a wide-ranging long distant view from the Elsfield viewpoint, due to its siting, size, design form and appearance and the impact that it would have on the heritage significance of the view and the setting of the spires, it would cause heritage harm.

12.61. It is considered that due to the siting, size, design form and appearance of the proposed padel court canopy and the associated illumination of the proposed uses, a low level of less than substantial harm would be caused to the Elsfield view cone and the setting of the Central Conservation Area.

Impact assessment: Sports pavilions and New Marston Meadows

12.62. The proposed interventions to both cricket pavilions, as shown on the proposed plans, are relatively light touch comprising internal and external refurbishment works. At Exeter Pavilion 'fixed timber and steel security covers' are proposed however these security covers are not detailed on the proposed drawings. Details of these would have been requested via condition.

12.63. External access ramps and additional steps are proposed for both buildings. Whilst these would have a negative impact on the character and appearance of the buildings, their need is justified and would constitute a public benefit. Further design details of the ramps, steps and handrails would have been required to ensure they are of an appropriately high quality to help mitigate the proposed harm.

12.64. Reference is made for an Air Source Heat Pump to be potentially located on the viewing balcony of the Exeter pavilion, however no details of the proposed size and appearance have been provided. As such it has not been possible for Officers to assess the potential impact. Further details would have been requested via condition.

12.65. To ensure the refurbishment works are carried out in an appropriately sympathetic manner that respects the local heritage interest of the buildings, all existing original features should be retained and restored/ repaired insofar as practical, and the following details would have also been required via condition:

- External material samples and details

- Large scale joinery and drawn details, including sections, material and finish details, of replacement windows and doors
- Drawn details of proposed external security shutters including materials and finished appearance
- Large scale drawn details of new access ramps and steps including details of external materials and finishes, and handrails
- Details of ASHPs including size, siting and finished appearance

12.66. The external changes to the Exeter squash court building involve fenestration alterations, including the removal and infilling of the patent glazed rooflight, the infilling and widening of existing doorways and the creation of new high level louvre openings. These changes, providing they are carried out using matching and appropriate materials and are of high quality design, would not impact heritage significance. Air source heat pumps are proposed to power the buildings, however again no details have been provided.

12.67. The proposed changes to Hertford squash court building include the introduction of fenestration to the western half of the building to serve the proposed café and community room use and access ramps. These works would result in the loss of the buildings symmetry, a key feature of its architectural character and appearance. Whilst these changes would have minimal impact on heritage interest, they do not represent high design quality and would conflict with the principles of good design.

12.68. A high level of less than substantial harm would be caused to the setting of the existing building group and the New Marston Meadows, as a result of the size, mass and height of the padel enclosure, and the height of the proposed lighting and fencing structures associated with the intensification of use which would detract from the remote and peaceful character of the sports fields and the contribution they make to this green spine. As noted previously, the existing pavilions on the site are relatively modest structures contributing to the designed landscape of these sports fields and represent the quintessential image of English national identity at the time of their construction, and the colleges commitment to provide leisure facilities for their students. The introduction of a substantially large building with a footprint of approximately 1,500 sqm which would be of a low quality design in such proximity to these buildings would be considered to detract from their pleasant character they contribute to the sports fields. The whole of the building would be clad in translucent green polycarbonate sheeting which is considered to be of a poor quality, and would appear as an alien and jarring addition in the setting of the local heritage assets with their traditional and quintessential character. By virtue of the significant scale of the building, it is considered that the padel enclosure would detract from the character and appearance of the existing building group and the natural character and landscape of the recreation grounds.

12.69. The reconfiguration of the outdoor sports pitches would be a minor alteration to the site which would be considered wholly acceptable in design terms. The landscaping proposed would also be considered positive for the site, enhancing the existing natural landscape.

- 12.70. It is considered that the footpath would be a welcomed addition to the site which would allow for suitable access by pedestrians using the current entrance next to Hertford Pavillion. The footpath due to its limited width and fairly minor scale when compared to the size of the site as a whole would have a limited visual impact upon the character and appearance of the site. Nevertheless in this area where outdoor recreation and sports are located, the proposed footpath would not appear out of keeping with this.
- 12.71. The Sheffield stands are considered to be minor additions to the site which would have a very limited visual impact upon the character and appearance of the site. Although no elevations or detailed designs of the proposed bicycle and bin stores have been provided with the application, it is considered that their locations would be acceptable in principle, subject to high quality materials being used. Had the overriding reasons for refusal not applied, details of these stores could have been requested via conditions.

Justification and public benefits

- 12.72. In accordance with Paragraph 213 of the NPPF and Policy DH3 of the Oxford Local Plan 2036, any harm to heritage assets needs to be clearly and convincingly justified. Officers note that the number of padel courts proposed is extensive with seven overall: four indoors and three outdoors. The number of courts proposed has a direct link to the size of the padel enclosure proposed as well as the area to be fenced and lit. The Applicant has noted that the height of the padel canopy has been specified to accommodate the 'lob shot', an important element of the game and the clearance height above the courts is therefore required to facilitate this. As such the Applicant has stated that the height of the building could not be reduced. The Applicant has highlighted that they wish the site to be a year-round sporting 'hub', and that the inclusion of padel tennis would provide a source of revenue to repay over time the investment needed to rejuvenate the sports grounds. The Applicant has stressed that padel is an increasingly popular sport and that the covered courts allow the sport to be played in all weather conditions enhancing its accessibility to the new facilities throughout the year. In economic terms the Applicant has noted the enclosure will attract sporting events, tournaments, and padel enthusiasts. The Applicant has also stressed that the proposals have been developed to limit the footprint of the new enclosure whilst accommodating the game requirements and anticipated demand.
- 12.73. Having considered the justification provided by the Applicant for the padel enclosure and its scale and massing coupled with the aims of the scheme, it is considered that on balance the padel enclosure has been justified. To allow for all year play of padel an indoor enclosure is required, and it is clear that the height of the building could not be reduced without impacting its functionality. In terms of the number of courts proposed, this has been justified due to anticipated demand and to ensure that the site attracts sporting events and tournaments.
- 12.74. In accordance with Paragraph 215 of the NPPF, the less than substantial harm identified to the significance of the heritage assets must be weighed against the public benefits of the proposal. The Applicant has listed the public

benefits of the development in their planning statement which Officers have set out below and provided commentary on each:

- Bringing back into meaningful use buildings that have fallen into a state of disrepair for use as supporting infrastructure for the wider sports facilities.
 - Officers give moderate weight to this.
- The landscape scheme would result in enhancements to the existing natural landscape and provide extensive new planting which would achieve a biodiversity net gain in grassland habitat and hedgerow habitat, exceeding the mandatory 10% requirement.
 - Officers give low weight to this.
- In response to both the applicant's and neighbours' requests, the proposal would improve public access throughout the site through the provision of new pathways connecting with the wider highway network. The sports hub, in combination with the associated new access paths, would bring about an improvement in health and wellbeing of its future users.
 - Officers give low weight to this.
- The new sports pitches and sensitive lighting at the site would address historic issues of antisocial behaviour and vandalism which is known to the applicants and neighbours as a long-standing issue which has resulted in the underuse of this site.
 - Officers give moderate weight to this.
- The active use of the site for the duration of the year is further considered to reduce the opportunity for undesirable behaviours at and around the site.
 - Officers give moderate weight to this.
- The facilities would be fully inclusive providing facilities for the use of all ages and abilities. The proposals would improve accessibility to all existing buildings and new facilities will be DDA compliant.
 - Officers give low weight to this.
- The transport strategy for the site promotes sustainable transport modes for future users.
 - Officers give low weight to this.
- The development would provide jobs through the construction phase of the development and would increase opportunities for employment in its operational phase.
 - Officers give low weight to this.
- The proposals include a café and new community space for hire. These community facilities are generally lacking within the local neighbourhood.
 - Officers give moderate weight to this.

12.75. On balance it is considered that cumulatively the public benefits identified above would outweigh the low level of less than substantial harm caused to the

Elsfield view cone and the setting of the Central Conservation Area, however it is considered that they would not outweigh the high level of less than substantial harm caused to the setting of the existing building group on the site, nor the New Marston Meadows as local heritage assets.

12.76. Overall the high level of less than substantial harm caused to the setting of the local heritage assets is considered not to be outweighed by the moderate level of public benefits that would result. As such the development fails to accord with Chapter 16 of the NPPF and Policies RE2, DH1, and DH5 of the Oxford Local Plan 2036.

d. Neighbouring amenity

12.77. 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. Appendix 3.7 of the Oxford Local Plan sets out guidelines for assessing the loss of sunlight and daylight using the 45/25 degree code.

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

12.79. Policy RE8 states that planning permission will not be granted for development proposals that will generate unacceptable noise and vibration impacts.

12.80. To the east and north of the recreation grounds there are residential dwellings on Purcell Road and Fairfax Avenue, and to the south of the site lies Park Farm as well as Oak Barn which are both accessed from Edgeway Road.

12.81. It is considered that the proposed upgrade of the sports pitches, the alterations to the pavilions and the squash courts, the outdoor courts and cricket nets, the bin and cycle storage, the footpaths and the alterations to the landscaping would all be elements of the scheme which when considering their scale and their distance away from neighbouring occupiers, would not detrimentally impact upon any neighbouring occupiers in regards to daylight access, outlook, privacy, and nor would they be overbearing features.

12.82. The proposed padel tennis enclosure would approximately measure 59.2m in length, 25.4m in width, and would have a curved roof with a maximum height of approximately 10.5m. The walls and roof of the enclosure would be clad in green polycarbonate sheets and it is noted that the enclosure would include lighting. The closest dwellings to this structure would be Park Farm located approximately 16.5m to the south, however the dwellinghouse on the farm is located approximately over 60m away. Dwellings on Purcell Road would be located approximately 75m to the east. Whilst the size of the building is considerable, given the distance it will be located away from the closest dwellings, when coupled with its relatively low maximum height at 10.5m, it is

considered on balance not to detrimentally impact upon the daylight afforded to the neighbouring occupiers, nor would it impact their outlook or be overbearing.

12.83. Lighting is proposed as part of the proposals including lighting of the footpaths as well as the outdoor padel courts, the basketball and netball courts.

12.84. The footpaths would be lit with 1m high bollards which would be spaced out every 12m. the same 1m high bollards would be used to light the site entrance from Edgeway Road. Given the low height of these lights, their spacing, and the presence of vegetation surrounding the site, it is considered that these lights would not detrimentally impact the neighbouring occupiers of Park Farm to the south nor on Purcell Road to the east.

12.85. Lighting is proposed for the outdoor padel courts as well as the netball/basketball/football courts, which would comprise of vertical column lights. Given the outdoor padel courts are located to the west of the indoor padel courts which would help block the light, it is considered that the dwellings located to the east on Purcell Close would not be detrimentally impacted. In addition the netball/basketball/football courts are also located further to the west and would emit less light than the padel courts, and as such it is considered again that the lighting would not detrimentally impact the occupiers of dwellings on Purcell Road.

12.86. The dwelling on Park Farm is located to the south and east of the outdoor courts and would be closest to the lights proposed. Officers note however that the existing Hertford Squash building would be an intervening feature between the house and the outdoor padel courts, and the Exeter Pavilion and Squash courts would also be intervening features between the house and the netball/basketball/football courts. For these reasons, on balance it is considered again that the lighting would not detrimentally impact the occupiers of Park Farm.

12.87. In relation to the indoor padel enclosure, whilst the translucent nature of the cladding means the proposed building would emit light, it is considered that the light would not be significantly bright so as to detrimentally impact neighbouring occupiers.

12.88. An acoustic assessment has been submitted to satisfy National Planning Policy Framework, the Noise Policy Statement for England and Planning Policy Guidance, World Health Organisation (WHO) Guidelines for Community Noise guidance and Policy RE8 of the Oxford Local Plan 2036. Having assessed the technical assessment, Officers consider that noise from the new sports activity is expected to be below both existing ambient noise levels and Sports England targets at the nearest noise-sensitive receptors.

12.89. The acoustic assessment does not however include the air source heat pumps proposed and whether they would have any detrimental impact upon the nearest sensitive noise receptors. As such in the absence of such assessment, Officers cannot be certain that the proposed installation of air source heat pumps would be acceptable with regards to neighbouring amenity and noise.

12.90. As such the proposals fail to demonstrate compliance with Policies RE7 and RE8 of the Oxford Local Plan 2036.

Flooding

12.91. Policy RE3 states that planning permission will not be granted for development in Flood zone 3b except where it is for water-compatible uses or essential infrastructure; or where it is on previously developed land and it will represent an improvement for the existing situation in terms of flood risk. All of the following criteria must be met:

- a) it will not lead to a net increase in the built footprint of the existing building and where possible lead to a decrease; and
- b) it will not lead to a reduction in flood storage (through the use of flood compensation measures) and where possible increase flood storage; and
- c) it will not lead to an increased risk of flooding elsewhere; and
- d) it will not put any future occupants of the development at risk.

12.92. It notes that new development will be directed towards areas of low flood risk (Flood Zone 1), and that in considering proposals elsewhere, the sequential and exception tests will be applied.

12.93. It goes on to say that planning applications for development within Flood Zone 2, 3, on sites larger than 1 ha in Flood Zone 1 and, in areas identified as Critical Drainage Areas, must be accompanied by a Site Specific Flood Risk Assessment (FRA) to align with National Policy. The FRA must be undertaken in accordance with up to date flood data, national and local guidance on flooding and consider flooding from all sources. The suitability of developments proposed will be assessed according to the sequential approach and exceptions test as set out in Planning Practice Guidance. Planning permission will only be granted where the FRA demonstrates that:

- e) the proposed development will not increase flood risk on site or off site; and
- f) safe access and egress in the event of a flood can be provided; and
- g) details of the necessary mitigation measures to be implemented have been provided

12.94. Paragraph 173 of the NPPF outlines that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in future from any form of flooding.

12.95. Paragraph 174 of the NPPF notes that within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test.

- 12.96. Paragraph 175 of the NPPF outlines that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).
- 12.97. Paragraph 177 of the NPPF notes that having applied the sequential test, if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.
- 12.98. The site contains areas of flood zones 1, 2 and 3 within the red line boundary, including extensive areas of flood zone 3b - the functional floodplain - in which only water-compatible development is permitted. Flood Zones 2 and 3 are defined by the NPPF and associated Flood risk and coastal change Planning Policy Guidance (PPG) as having a medium and high probability of flooding.
- 12.99. As highlighted in the PPG, the sequential test should be applied to 'Major' and 'Non-major' development proposed in areas at risk of flooding, as set out in paragraphs 173 to 174 of the National Planning Policy Framework. Paragraphs 175, 176 and 180 set out exemptions from the sequential test. It also notes that in applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.
- 12.100. The proposals comprise a major development proposed in an area at risk of flooding. The site comprises of areas of Flood Zone 1, 2, 3a and 3b and as such the sequential test is applicable.
- 12.101. In relation to whether the proposals are exempt from the sequential test, the exemption outlined in paragraph 175 would not be applicable as the proposals involve built development located in an area that would be at risk of flooding. Paragraph 176 notes that applications for change of use should not be subject to the sequential test, and therefore the change of use of Hertford squash courts to café, changing facilities, sports hub reception area and community facilities would be exempt. Paragraph 180 would not be applicable as the site is not allocated in the development plan through the sequential test.
- 12.102. It is noted that the PPG guidance in relation to the exemption outlined under paragraph 175, notes that where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing

the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.

12.103. In considering the above, Officers note that the proposed football and cricket pitches, outdoor padel courts, outdoor basketball/netball/football courts and cricket nets would all be floodable. The Applicant has also stated that the padel enclosure would be floodable, however the Applicant has not demonstrated that the padel enclosure would allow for safe access and egress and therefore the FRA fails to ensure that the occupiers and users would remain safe from current, future surface water flood risk and flood risk from rivers. In addition the Applicant has not demonstrated that the padel enclosure would be acceptable in relation to floodplain compensation and therefore the FRA fails to demonstrate that the proposals would not increase flood risk elsewhere.

12.104. As such the sequential test must be applied to the location of the padel enclosure. The proposed padel enclosure would be located within Flood Zone 3b at the western end, passing through Zone 3a to Zone 2 at its eastern end. It is considered that there is sufficient space on the site for the padel enclosure to be located within an area with a lower risk of flooding as the whole padel enclosure could be located outside of Flood Zone 3b as well as 3a. As such the proposals fail to comply with the sequential test. The Flood risk vulnerability and flood zone compatibility table outlines when development is appropriate, when development is not appropriate, and when the exception test is required. Sections 6.7 and 6.8 of the Flood Risk Assessment (FRA) contain a review of the uses of the proposed scheme, fitting the proposals either into 'car parks', with a 'less vulnerable' classification, which is not allowed within FZ3b, or 'amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms' - all of which are deemed by the NPPF as 'water compatible' development, and hence acceptable in these terms within FZ3b. These sections of the FRA also offer justification regarding the proposed uses. Officers' response to this justification is outlined below:

Exeter Pavilion

12.105. The Exeter Pavilion building is located wholly within FZ3b - the functional floodplain - in which development is not usually permitted. The existing use is for changing rooms, toilets, stores, a meeting space, veranda and first floor balcony. The use is not changed by the proposals. The finished floor levels would also remain unchanged, at 57.41mAOD internally, and 57.35mAOD on the external veranda - all of which sits above the design flood level of 57.09mAOD. New/enlarged access stairs and ramps are proposed, and these would also fall within FZ3b. There is therefore an objection in principle to the proposals given the addition of stairs and ramps within the functional floodplain. Whilst a flood compensation basin ('basin 3') is indicated on one of the drawings (0200), no further details, such as level-for-level analysis or how this basin is hydraulically connected to the floodplain, are provided. There is also a further objection in principle to the proposed use as a meeting space as this is not a water compatible use. Despite the fact that there is an existing meeting space in the building, this planning application must be assessed on its own merits, and that includes a review of the vulnerability classifications of the proposed building uses. Carter Jonas' covering letter dated 21/08/25 states this meeting room is

removed from the scheme. However the 'hall' shown on the proposed floor plans would still be classed as 'leisure' and therefore fit into the less vulnerable category and would not be allowed.

- 12.106. Section 9.0 of the FRA addresses safe access and egress to the site. In this section, it is stated that site management would be signed up to EA flood warnings, and that site would be closed in the event of a severe flood warning and in adverse weather conditions. This would ensure that no users of the facilities would be put at risk due to flooding. Should flooding occur without warning, the building would remain safe and dry, and occupants could remain there and await rescue. Whilst the safe access and egress is therefore acceptable, the use in principle however is unacceptable.

Exeter Squash Court

- 12.107. The Exeter Squash Court building sits wholly within FZ3b - the functional floodplain - in which development is not usually permitted. The existing use is a squash court and store cupboard. The proposed use includes a golf simulator, toilet, seating/viewing area, and lockers in a lobby area. These uses are not "outdoors sports recreation and essential facilities such as changing rooms" - i.e. not 'water compatible'. The uses are more akin to "leisure" which is classed as 'less vulnerable' in the NPPF and not permitted development within FZ3b. There is therefore an objection in principle to the proposed redevelopment of this building, coupled with the addition of stairs and ramps within the functional floodplain. Whilst a flood compensation basin ('basin 3') is indicated on one of the drawings (0200), no further details, such as level-for-level analysis or how this basin is hydraulically connected to the floodplain, are provided.

- 12.108. The proposal seeks to raise the first floor level from the existing 56.93mAOD to 57.41mAOD, which would then be above the design flood level of 57.09mAOD. Section 9.0 of the FRA addresses safe access and egress to the site. In this section, it is stated that site management would be signed up to EA flood warnings, and that site would be closed in the event of a severe flood warning and in adverse weather conditions. This would ensure that no users of the facilities would be put at risk due to flooding. Should flooding occur without warning, the building would remain safe and dry, and occupants could remain there and await rescue. Whilst the safe access and egress is therefore acceptable, the use in principle however is unacceptable.

Hertford College Pavilion

- 12.109. The footprint of the building itself lies within FZ1 and is not at risk of flooding. However, the new access ramp shown to the south-west and the steps on the north-west are at the edge of FZ2. Section 9.0 of the FRA addresses safe access and egress to the site. In this section, it is stated that site management would be signed up to EA flood warnings, and that site would be closed in the event of a severe flood warning and in adverse weather conditions. This would ensure that no users of the facilities would be put at risk due to flooding. Should flooding occur without warning, the building would remain safe and dry, and occupants could remain there and await rescue. The existing building use is for changing rooms, toilets, stores, a meeting space and a veranda, and this is not

changed by the proposals. The finished floor level would not be changed from the existing level of 57.81mAOD internally, and 57.78mAOD on the external veranda. All of these levels are above the design flood level of 57.09mAOD. As such there is no objection to the Hertford College Pavilion proposals in terms of flooding.

Hertford Squash Building

12.110. The Hertford Squash Building sits partially within FZ2/3a/3b. The existing uses are squash courts, toilets, changing rooms, and stairs to first floor viewing. The proposal is for team sports changing rooms, toilets, a café, an administration office, a reception office, and a merchandise display area, a first floor multi-purpose community room, store and plant rooms. Given that the building is existing, and that it is possible to exit the building via accessible ramps into FZ2 (to the south), rather than into FZ3b (to the north), it is considered that the internal function of the building can be treated as though it were fully within FZ2 for the purposes of NPPF vulnerability classification. This allows 'less vulnerable' uses such as cafes, shops, offices, and assembly and leisure functions. The finished floor level would not be changed from the existing level of 57.42mAOD internally, and 57.22mAOD on the external veranda. All of these levels are above the design flood level of 57.09mAOD.

12.111. Section 9.0 of the FRA addresses safe access and egress to the site. In this section, it is stated that site management would be signed up to EA flood warnings, and that site would be closed in the event of a severe flood warning and in adverse weather conditions. This would ensure that no users of the facilities would be put at risk due to flooding. Should flooding occur without warning, the building would remain safe and dry, and occupants could remain there and await rescue.

12.112. Officers must however object to the proposals given the addition of stairs and ramps within the functional floodplain. Whilst the Infrastruct letter response states that their level for level analysis includes/allows for the stairs and ramps, as reiterated in the EA comments regarding the floodplain the level for level compensation method is still not appropriate. The EA highlights that compensation areas within design flood event extents (volumetric), while level for level would be expected on edge of floodplain. They note that the network pipe method of hydraulically connecting compensation areas is not appropriate, and that whilst a small swale channel should be fine, the top three level for level bands are proposed as losses so they would not be level for level. These comments made by the EA relate to the Flood Level Comparison Table 6.3.2 within the FRA.

Padel Enclosure

12.113. The proposed padel enclosure would be located within FZ3b at the western end, passing through FZ3a, to FZ2 at the eastern end. The FRA, Section 6.8, has confirmed that the padel enclosure has been designed as floodable. The drawing (PT-L1 rev B) shows a finished floor level of 57.050mAOD. Whilst the Applicant has tried to justify the impact upon floodplain

storage, again as noted in the EA comments, the floodplain level for level compensation method is not appropriate.

- 12.114. In relation to safe and access and egress, it is stated that site management would be signed up to EA flood warnings, and that the site would be closed in the event of a severe flood warning and in adverse weather conditions. This would ensure that no users of the facilities would be put at risk due to flooding. Should flooding occur without warning however, the padel enclosure would not remain safe and dry, and occupants could not remain there and await rescue as it is a floodable building. A standalone Flood Warning and Evacuation Plan separate and in addition to the FRA would be required upfront for the padel enclosure due to the high risk of flooding. Therefore safe access and egress from the padel enclosure has not been demonstrated.
- 12.115. In summary, the principle of the proposed uses of the site in flood zone 3b, namely car parks, the golf simulator in the Exeter Squash Court, and the 'hall' in the Exeter Pavillion are unacceptable. None of these uses are deemed 'water compatible' under Annex 3 of the NPPF, and therefore these elements of the proposal are classed as inappropriate development in accordance with the flood risk vulnerability and flood zone compatibility table.
- 12.116. The Environment Agency (EA) noted that the Flood Risk Assessment does not satisfactorily address their concerns of providing suitable level for level floodplain compensation and appropriate hazard data to cover safe access/egress.
- 12.117. They highlight that the submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance and its site-specific flood risk assessment checklist. The EA state the FRA does not therefore adequately assess whether the development will increase flood risk elsewhere. In particular, the EA stated that the FRA fails to consider how people will be kept safe from the identified flood hazards and also fails to take the impacts of climate change into account.
- 12.118. The EA states that the FRA needs to demonstrate that any loss of floodplain storage within the 1% AEP plus an appropriate allowance for climate change (25%) can be directly compensated for to prevent an increase in flood risk elsewhere. (Level for level compensation method still not appropriate. Compensation areas within design flood event extents (volumetric), while level for level would be expected on edge of floodplain. Network pipe method of hydraulically connecting compensation areas is not appropriate. Small Swale Channel should be fine, however. Top 3 level for level bands are proposed as losses so they would not be level for level).
- 12.119. In addition, the EA stated that the FRA needs to use the appropriate fluvial hazard data for the design flood event to demonstrate that safe access/egress has been considered (local model for proxy 25% CC AEP Event).
- 12.120. In relation to floodplain storage, the EA noted that any increase in built footprint or raising of ground levels should be compensated up to the 1% AEP

plus an appropriate allowance for climate change flood level. This is necessary to prevent the proposed development reducing floodplain storage and displacing flood waters, thereby increasing flood risk elsewhere.

- 12.121. In relation to level for level floodplain compensation, the EA explained that this is the preferred method of mitigation and should be considered within the FRA. Level for level floodplain compensation is the matching of floodplain storage volumes lost with new floodplain storage volume gained through the reduction of ground levels. They noted that for this to be achievable it requires land on the edge of the floodplain and above the 1% annual exceedance probability (AEP) flood level with an appropriate allowance for climate change to be available. A comparison of ground levels (from a topographical survey) with modelled floodplain levels would show if land is available above the 1% AEP flood level with an appropriate allowance for climate change to be used as compensation.
- 12.122. The EA recommend that level for level floodplain storage calculations are provided in a table that sets out the volume of floodplain storage lost (cut) and the volume of floodplain storage gained (fill) for each of the slices. Typically, the thickness of a slice should be 100mm or 200mm, dependent on-site specific considerations. This may vary in the case of large, very flat sites, where 0.05 metres could be used; or in very steep sites with a high range of flood water levels. Slice thickness should be set to provide 10 to 15 slices in these cases. It would need to be demonstrated that there would be no net loss in storage volume for any slice.
- 12.123. The EA asked for a location plan that corresponds with the table to be submitted showing where the compensation will be located on site. The location of the changes in floodplain storage should be clearly identified, demonstrating the scheme would be hydraulically connected for each slice. The EA noted that it is not acceptable to propose works several kilometres away or separated from the site by a significant structure such as a weir, bridge or other obstruction.
- 12.124. The EA states that excavation of the proposed floodplain compensation scheme should be completed prior to the construction of development to ensure floodplain capacity is maintained. If this cannot be achieved, then the applicant may need to amend the development to ensure that there would be no increase in flood risk elsewhere (for example by reducing built footprint or amount of land raising proposed).
- 12.125. The EA also highlighted that the applicant may require a Flood Risk Activity Permit (FRAP) to undertake the proposed works as the main river Peasmoor Brook runs through the site. As submitted, the EA states that it is unlikely that a permit would be granted. The applicant would need to demonstrate that the proposed works will not adversely impact on flood risk or the watercourse.
- 12.126. Overall the proposals are contrary to Policy RE3 of the Oxford Local Plan 2036, Chapter 14 of the NPPF, and the Flood Risk and Coastal Change Planning Practice Guidance.

Drainage

- 12.127. Policy RE4 states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible, in line with the following drainage hierarchy:
- a) store rainwater for later use; then:
 - b) discharge into the ground (infiltration); then:
 - c) discharge to a surface water body; then:
 - d) discharge to a surface water sewer, highway drain or other drainage system; and finally:
 - e) discharge to a combined sewer.
- 12.128. It also notes that Applicants must demonstrate that they have had regard to the Oxfordshire County Council guidance, as Lead Local Flood Authority, for major development.
- 12.129. Infodrainage calculations submitted within the Infrastruct statement (5648-EXET-ICS-CO-C-03.003) show the system modelled as surcharged, with flooded level 56.50mAOD. The Council asked for further information/justification why this surcharged level has been chosen, rather than the design flood level of 57.09mAOD. The Applicant stated that this is to model the typical river level and that the premise is that in the design flood event, the site would be flooded and all SuDS features would be full of river water, and therefore there is no need to design the system to take roof water in this event. This position has not yet however been agreed between the Applicant, LLFA and LPA.
- 12.130. In on-site investigations, groundwater rose to within 200mm of the surface. This would impact on much of the designed attenuation volume. All detention/attenuation features should be lined, to avoid reduction in storage volume due to high groundwater levels. This could be clay-lining, or other method, in line with standard good practice. It is of further importance that parking areas are tanked, as it is not possible to achieve the 1m buffer required to ensure that groundwater quality is not affected by this area of higher pollution potential. It is however unclear from the various submitted documents whether the proposed drainage design incorporates lining to all detention/attenuation features as there are contradictions in the information submitted. Some information states that this is being changed in accordance with LLFA/LPA comments, while the Infrastruct response letter states that they disagree with this approach. Notwithstanding this, the use of permeable geotextiles for attenuation features in high groundwater areas however are not appropriate and as such are unacceptable features of the drainage strategy. In addition there are vague suggestions of bunding proposed to protect attenuation features in flood risk areas, however they have not been fully detailed.

- 12.131. The scheme includes two headwalls to discharge into the Peasmoor Brook, the southern-most of which appears on drawing 0200 to sit outside of the red line boundary. Officers asked the applicant to confirm that they are the riparian owner, and that the headwall will be positioned within their land ownership boundary. No confirmation has been provided from the Applicant that they are the riparian owner of the land where two headwalls are proposed to discharge into the Peasmoor Brook. The LLFA also noted that there is insufficient detail on how well this would operate in times of flooding with reference to levels.
- 12.132. The FRA states that a Section 23 Land Drainage Consent would be required for the discharges into the Peasmoor Brook. This watercourse is a designated Statutory Main River and as such consent to construct outfalls and to discharge into the river must be sought from the Environment Agency. Permissions may also be required for other elements of the proposed scheme, where works are located close the watercourse.
- 12.133. As such the drainage strategy proposed contains insufficient details for Officers to ascertain that the strategy would be acceptable.
- 12.134. Overall the proposals are contrary to Policy RE4 of the Oxford Local Plan 2036.

e. Highways Safety and Parking

- 12.135. Policy M1 states that planning permission will only be granted for development that minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport.
- 12.136. Policy M2 states that a Transport Assessment must be submitted for development that is likely to generate significant amounts of movement, in accordance with the requirements as defined in Appendix 7.1.
- 12.137. Policy M2 also states a Travel Plan, which has clear objectives, targets and a monitoring and review procedure, must be submitted for development that is likely to generate significant amounts of movement in accordance with the requirements in Appendix 7.2.
- 12.138. Policy M3 states that the parking requirements for all non-residential development, whether expansions of floorspace on existing sites, the redevelopment of existing or cleared sites, or new non- residential development on new sites, will be determined in the light of the submitted Transport Assessment or Travel Plan, which must take into account the objectives of this Plan to promote and achieve a shift towards sustainable modes of travel. The presumption will be that vehicle parking will be kept to the minimum necessary to ensure the successful functioning of the development.
- 12.139. Policy M3 also notes that in the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities.

- 12.140. Policy M5 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.3. It also notes that bicycle parking should be, well designed and well-located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street.
- 12.141. Policy RE7 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that does not have unacceptable transport impacts.
- 12.142. A Transport Assessment (TA) and Travel Plan have been submitted with the planning application which Oxfordshire County Council as Local Highways Authority reviewed and made the following comments:

Site Location and Vehicle Access Arrangements

- 12.143. The site is located north of Edgeway Road. Access to the site is via Edgeway Road which, from the junction with Ferry Road, is a single track private road and a Public Right of Way (PROW) footpath. Edgeway Road is a single track road and PROW without passing places, approximately 3m wide. The PROW is well-used as can be seen from the survey. There are no verges so if a car passes there is not much space available for pedestrians and cyclists, especially as the northern section of the road includes a ditch.
- 12.144. There is a slight bend in the road and there is therefore no unobstructed visibility from the Ferry Road junction to the next available area where two vehicles can pass which is at the farm entrance. This means that two opposing vehicles would not be able to see each other in time and one vehicle would have to reverse as there are no passing places. This would be unacceptable on a busy PROW.
- 12.145. In addition, the Marston Cycle Path, a well-used cycle track linking central Oxford to Marston and Headington, crosses Edgeway Road from Ferry Road. Visibility from the Edgeway Road north arm towards the north-east onto the cycle path is poor due to the position of a fence. Vehicles travelling south would therefore struggle to see a fast moving southbound cyclist in time. Any intensification on Edgeway Road would affect the safety of cyclists on this important cycle route.
- 12.146. The Local Highways Authority therefore considered that a barrier would be required at the junction of Edgeway Road with Ferry Road as any increase in traffic on Edgeway Road would be unacceptable.
- 12.147. The Transport Assessment confirms that bollards would be located on Edgeway Road towards the junction with Ferry Road and there would be a remote operated system linked to the booking system for future users of the site. This is considered to overcome the potential issues associated with vehicle access arrangements. Had the overriding reasons for refusal not applied, a condition would have been recommended to obtain details of the management of

the bollard control system to ensure that the impact of the intensification of the site would be appropriately mitigated.

Pedestrian and cycle access

- 12.148. The main pedestrian and cycle access to the site would be via Edgeway Road. The proposals would result in a significant intensification of person trips to and from the site. The width of the northern section of Edgeway Road is 3m and there is therefore insufficient space for a vehicle to safely pass a bicycle. As such a barrier is required as discussed above.
- 12.149. Notwithstanding the required barrier, there would be an intensification of Edgeway Road by vehicles as well as pedestrians and cyclists. This would affect the junction with the Marston Cycle Path and it is therefore considered that improvements in the form of signage and lining would be required at this junction, which is private land within the applicant's ownership, to mitigate the intensification of use.
- 12.150. The issue is not an intensification of vehicular traffic, but of pedestrians and cyclists to and from the site, who are having to cross a well-used cycle link. The intervisibility is only a couple of metres at the junction, therefore, without mitigation, there could be an increased risk of cycle - cycle or pedestrian- cycle collisions. The junction is not within the highway boundary but is private land and understood to be owned by Oxford University rather than the applicants.
- 12.151. The Applicants confirmed that they are willing to contribute towards an improvement scheme at this location and will discuss improvements with Oxford University. Had the overriding reasons for refusal not applied it would have been conditioned that this is actioned prior to opening of the padel and additional netball courts, in order to ensure safety of site users.
- 12.152. The TA states that a 1.5m wide footway lit with bollards would be provided within the eastern boundary of the site, which would provide a second pedestrian access connecting to the adjacent Croft Road Playground located north of the site. A third pedestrian and cycle access would be from the Marston Cycle Path via a gate. These two additional active travel accesses are considered necessary to ensure permeability for pedestrians and cyclists.

Sustainable transport connectivity/transport sustainability

- 12.153. The site is well connected to the local cycle network with the Marston Cycle Path (OXR11), located south of the site, which is a quiet route off-road and Ferry Road (OXR9), a quiet route on-road.
- 12.154. The nearest bus stops are located 600m from the edge of the site. The padel courts would be located 130m from the entrance and would therefore be 730m from the bus stops. These bus stops are used by the X3 service with a frequency of 20 minutes.
- 12.155. The CIHT document Buses in Towns includes recommended maximum walking distances to bus stops. For single high frequency services this is 400

metres, the report states: “These maxima are intended to enable the bus to compete effectively with the car and to benefit a wide range of people with differing levels of motivation and walking ability.”

- 12.156. It can therefore be concluded that the site is not within the recommended maximum walking distance to a bus stop and therefore unlikely to compete with the car as a mode of travel to the site.

Site Layout

- 12.157. Access to the site is via the existing gravel car park which would remain as existing. The cycle store will be located west of the car park adjacent to the golf simulator. It is considered that this location is not prominent, and signing would be required to ensure users can find the cycle parking area.

- 12.158. The emergency access to the padel courts and café is through the car park. The applicant would need to ensure that this remains unobstructed at all times.

Trip Generation

- 12.159. As this is a non-standard use, it is considered that trip generation based on surveys of the site, or similar sites, and or accurate first principles is key.

- 12.160. A first principles approach has been used to calculate the anticipated trips to the sports facilities, however employees have not been included in the calculation.

- 12.161. The 2011 Census ‘Location of usual residence and place of work by Method of travel to work’ dataset has been used to obtain the modal split for Scenario 2: public trips. Oxford 004 middle super output area (MSOA) was used for origin and other MSOAs within the Oxford City limits was used for place of work. This showed a 25% car driver mode share.

- 12.162. Using Census travel to work data significantly underestimates the number of single occupancy vehicle trips to and from the site as a large proportion of travel to work within Oxford will be to the city centre where there is no parking available and evening travel to leisure facilities is likely to be more car based than commuting trips.

- 12.163. The LHA considered that the Parking Management Plan should set out the parking proposals for event/ competition days.

Car parking

- 12.164. The site is situated northwest of the Marston South Controlled Parking Zone with restrictions Monday to Friday 9am - 5pm.

- 12.165. When parking stress exceeds 80%, vehicles would struggle to find a parking space and there would be insufficient gaps where two cars could pass which could lead to congestion and have a negative impact on highway safety, especially for cyclists. Ferry Road is a designated quiet on-road cycle route and

the potential increased parking and vehicles using the road would have a negative effect on this route.

- 12.166. In the parking calculations the applicant had not included staff parking. If staff parking is included, the calculations are as follows:

	Weekday	Weekend
Spaces	379	379
Occupied	211	203
Available	168	176
Development requirement	71+6	121+6
On-site Parking	18	18
Parking Stress	71%	82%

- 12.167. The applicant states that the typically accepted parking stress threshold is 85%. The applicant mentioned two appeal decisions. Appeal APP/L5240/W/31/3281590 states in paragraph 29 that “the threshold for saturated conditions is generally taken to be 85%.”

- 12.168. The appeal decision confirms that by 85% parking stress is considered saturated. This development would therefore likely increase the on-street parking to ‘almost saturated conditions’ and this could significantly impact on local residents of the area. It is therefore considered that a contribution would be required for a review of the Marston South Residents Parking Zone.

- 12.169. The review would include surveys to establish the parking stress following the additional development on-site, and public consultation regarding changes to the restrictions. This would include amendments to the restriction times to help discourage car use and encourage sustainable travel.

Cycle parking

- 12.170. The applicant proposes to increase the cycle parking to 120 spaces, including more cycle parking near the padel courts. However, based on the mode share numbers, this might not be enough. The worst case would be 90 people arriving by bicycle each hour. If they stay 2 hours, 180 spaces would be required. In addition, the aim for the Travel Plan is to increase the bicycle mode share from 37% to 41% which would require 200 spaces. Therefore had the overriding reasons for refusal not applied, a condition would have been recommended for additional details of cycle parking for at least 200 spaces to be provided to the Local Planning Authority prior to occupation.

Servicing

12.171. A draft Delivery and Servicing Management Plan has been submitted with the application, but this does not include information on the frequency of deliveries or the management when access is obstructed by a barrier. A condition for an updated Delivery and Servicing Management Plan has therefore been included.

12.172. Apart from the refuse vehicle, a 7.5tonne box van is envisaged to be the largest vehicle associated with the operation of the development. A swept path analysis has been included in the TA to demonstrate that vehicles can access and egress the site in forward gear.

Travel Plan

12.173. As the site is expanding, a full Travel Plan is required. This should be produced prior to first occupation and then updated within 3 months of occupation. The submitted Travel Plan should meet the criteria contained within appendix 5 of the OCC guidance document 'Transport for New Developments – Transport Assessments and Travel Plans March 2014'. A Travel Plan dated November 2024 was submitted with this application; however, the document requires further information to meet the criteria outlined within the aforementioned appendix 5. Had the application not been otherwise refused this would have been secured by condition.

Contributions

12.174. The LHA has requested a £45,000 contribution towards a review of the Marston South Residents Parking Zone and amending the Traffic Regulation Order. They noted that the Marston South Residents Controlled Parking Zone (CPZ) is weekdays daytime only and that the peak period of the proposed development is evenings and weekends. They consider that the development is likely to increase the on-street parking to almost saturated conditions, and that a review of the CPZ, which would include surveys to establish the parking stress and public consultation is therefore considered justified.

12.175. The LHA also requested £1,985 towards a Travel Plan Monitoring. They noted that the Travel Plan submitted aims to encourage and promote more sustainable modes of transport with the objective of reducing dependence upon private motor car travel, and so reducing the environmental impact and traffic congestion. They also noted that a Travel Plan is required to make this development acceptable in planning terms.

12.176. The Highways Authority noted that a Travel Plan is a 'dynamic' document tailored to the needs of businesses and requires an iterative method of re-evaluation and amendment. The County Council needs to carry out biennial monitoring over five years of the life of a Travel Plan which includes the following activities:

- review survey data produced by the developer
- compare it to the progress against the targets in the approved Travel Plan and census or national travel survey data sets

- agree any changes in an updated actions or future targets in an updated Travel Plan.

12.177. In summary the LHA justified that the Travel Plan monitoring fee is therefore required to make the development acceptable in planning terms, because it enables the monitoring to take place which is necessary to deliver an effective Travel Plan.

12.178. Officers note that during the public consultation comments were raised regarding the existing level of parking on the site and that additional space has been created. Having reviewed historical aerial imagery, it appears that there has for at least 10 years been a hard surface in situ to the south of the Exeter pavilion and squash courts building. The hard surface has not been laid out as a car park and there are no line markings and as such there are no restrictions on how many vehicles could park in this location. The lack of any formal layout for the car park means that visitors could also simply park on the grass areas surrounding the hardstanding. It is therefore considered that the exact number of vehicle spaces on the site at present is difficult to ascertain. Given the area of hard surfacing is proposed to be marked out formally with parking bays, it is considered that this would help to reduce informal parking which could currently take place and as such it would be unreasonable to refuse the application on the basis of a net gain in parking.

12.179. Had the overriding reasons for refusal not applied, subject to conditions and S106 contributions, the proposals comply with Policies M1, M2, M3, M5 and RE7 of the Oxford Local Plan 2036.

f. Archaeology

12.180. Policy DH4 states that within the City Centre Archaeological Area, on allocated sites where identified, or elsewhere where archaeological deposits and features are suspected to be present (including upstanding remains), applications should include sufficient information to define the character, significance and extent of such deposits so far as reasonably practical. This information should include:

a) a Heritage Assessment that includes a description of the impacted archaeological deposit or feature (including where relevant its setting), an assessment of its significance and the impact of the proposed development on its significance, in all cases using a proportionate level of detail that is sufficient to understand the potential impact of the proposal. The Statement should reference appropriate records (including the information held on the Oxford Historic Environment Record); and

b) if appropriate, a full archaeological desk-based assessment and the results of evaluation by fieldwork (produced by an appropriately qualified contractor. Pre-application discussion is encouraged to establish requirements). In the City Centre Archaeological Area where significant archaeological asset types can be shown to be subject to cumulative impact from development, the desk-based assessment should contain appropriate contextual assessment of this impact.

- 12.181. Paragraph 207 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 12.182. An assessment of the archaeological implications of the proposed scheme has been based upon the information in the Oxford Historic Environment Record and the submitted Archaeological Desk Based Assessment (Oxford Archaeology 2024).
- 12.183. This site is of interest because it is located on the edge of the river Cherwell floodplain, adjacent to the relict channel of the Peasmoor Brook, where there is general potential for prehistoric and Roman activity. Over the last 10 years parch marks have begun to show up within the floodplain south of Marston Ferry Road belonging to Iron Age rural settlement. In 2019 an Iron and Roman settlement was recorded at Swan School on the eastern edge of the Cherwell floodplain approximately 600m to the north of the current application site in a comparable location. Furthermore, the available lidar data shows traces of denuded medieval ridge and furrow across the site. Therefore, in line with the desk-based assessment the Council requested for an archaeological evaluation be undertaken.
- 12.184. Evaluations should be carried out in accordance with a brief issued by the City Council Archaeologist by an archaeological organisation or archaeologist recognised as being professionally qualified for this type of work by the Institute for Archaeologists. A full report should be submitted to the Local Planning Authority before the application is determined.
- 12.185. The Applicant has not undertaken an archaeological evaluation and therefore there is insufficient information to establish the significance of the heritage assets at this site. The development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric and medieval.
- 12.186. As such the proposals fail to comply with Policy DH4 of the Oxford Local Plan 2036 and Paragraph 207 of the NPPF.

g. Biodiversity

- 12.187. Policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. It also notes that compensation and mitigation measures must offset any loss and achieve an overall net gain for biodiversity.
- 12.188. It also notes that sites and species important for biodiversity and geodiversity will be protected. Planning permission will not be granted for any

development that would have an adverse impact on sites of national or international importance (the SAC and SSSIs), and development will not be permitted on these sites, save where related to and required for the maintenance or enhancement of the site's importance for biodiversity or geodiversity. Development proposed on land immediately adjacent to the SSSIs should be designed with a buffer to avoid disturbance to the SSSIs during the construction period.

- 12.189. All species of bats and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017 (as amended). All wild birds, their nests and young are protected under The Wildlife and Countryside Act 1981 (as amended).
- 12.190. Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species
- 12.191. Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers of major developments must deliver a BNG of 10%. This means a development will result in more or better quality natural habitat than there was before development.
- 12.192. The New Marston Meadows is a Site of Special Scientific Interest (SSSI) which comprises of the fields to the east of the River Cherwell. The application site lies outside of the SSSI area being located to the south and west of the site. Natural England confirmed that the proposed development would not damage or destroy the interest features for which the site has been notified and raised no objection.
- 12.193. An initial ecological appraisal, informed by an appropriate desk study, was completed in November 2023. The appraisal identified the majority of the site to comprise modified grassland of low ecological value. Other habitats present include deciduous woodland, scrub, native hedgerows, Peasemoor Brook, ditches and trees. It is understood all these other habitats are to be retained and protected from direct and indirect impacts arising from the development. Two trees T40 and T41 would be lost to the development however they do not have suitable bat roost features.
- 12.194. There are limited areas of suitable habitat for reptiles on-site. It is advised that a Precautionary Method of Works for reptiles is submitted and complied with as a planning condition.
- 12.195. All survey work has been carried out to a thorough standard and using best practice guidance.
- 12.196. During the initial site appraisal, a number of buildings and trees were identified as having potential to support roosting bats. Subsequently, three nocturnal surveys were carried out between May and October 2024. The

nocturnal surveys confirmed the presence of ten bat roosts across buildings B2, B3 and B4 of three species, Common Pipistrelle Soprano Pipistrelle and Brown Long-eared.

12.197. The roosts would be lost under the proposed development. An appropriate Outline Mitigation Strategy is provided in section 5.4.5 of the Ecological Impact Assessment.

12.198. The proposed development would only be able to proceed under licence from Natural England. The Local Planning Authority must consider the likelihood of a licence being granted when determining a planning application. This requires consideration of the so-called “three tests” development must pass to qualify for a licence, as set out in The Conservation of Habitats and Species Regulations 2017 (as amended):

a) The purpose of the development must be preserving public health or public safety or another imperative reason of overriding public interest;

b) There must be no satisfactory alternative; and

c) The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

12.199. In relation to the first test, the proposed development would include bringing back the existing buildings on site into use since going into disrepair, and the improvements to the lighting of the site and its active use will address antisocial behaviour and vandalism.

12.200. In regards to the second test, without undertaking the repair works to the current buildings these would not be brought back from their state of disrepair. There is no alternative to providing light other than installing lighting on the site.

12.201. In relation to the third test, the proposed outline mitigation strategy provided in section 5.4.5 of the Ecological Impact Assessment by Ecology by Design will ensure roosting opportunities remain post-development.

12.202. In light of the above Officers consider that the three tests have been met and considered it likely that a license would qualify and be granted by Natural England in this case.

12.203. An appropriate Biodiversity Net Gain assessment has identified the site to have an existing base-line of 16.47 habitat units and 10.96 hedgerow units. The current proposals would result in a net gain of 14.90% habitat units and 22.24% of hedgerow units. A 10m buffer from the bank-tops of Peasmoor Brook have been implemented to protect it from the development, and therefore as this habitat is to be retained and protected in full with no encroachment in the riparian zone, it did not need to be included in the BNG assessment. Officers are satisfied that the trading rules have been met and the development would provide 10% BNG on site.

12.204. Subject to conditions, the proposals comply with Policy G2 of the Oxford Local Plan 2036, the NPPF, the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017 (as amended), and Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

h. Trees and landscaping

12.205. Policy G7 states that planning permission will not be granted for development that results in the loss of green infrastructure such as hedgerows, trees or woodland where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated.

12.206. Policy G8 states that development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate. This applies to protected and unprotected Green Infrastructure features, such as hedgerows, trees and small public green spaces.

12.207. Policy DH1 seeks to ensure that development would be of a high quality design.

12.208. Two trees (T41 Prunus sp. and T45 Ash) and one group of young trees (G43, mixed) are proposed for removal to enable development. These trees are not significant to the character or visual amenity of the area, therefore their removal would be acceptable, subject to appropriate replacement planting to meet tree canopy cover criteria.

12.209. Pruning is proposed for 4 trees (T10 White willow, T48 & T81 Ash, T58 White poplar) as well as for 2 groups of trees (G49 mixed and G59 Black hybrid poplar) and would not affect the long-term health or the visual amenity value of the trees.

12.210. The Arboricultural Impact Assessment (AIA) and the accompanying Appendix 2: Preliminary Arboricultural Method Statement (AMS) detail tree protection measures that mitigate the potential development impact on the root protection area of the retained trees. Their implementation could have been secured via condition.

12.211. While the AMS is indicated as 'preliminary' it contains all necessary information, except for the details of 'a suitably competent and qualified arboriculturist' to be appointed as the Project Arboriculturist. These details could have been secured via condition.

12.212. The proposed landscaping includes 88 new trees and new native hedge planting on court boundary and on the east boundary. Of the proposed trees, 38 are on the Exeter College Sports Ground and 50 are on the Hertford College Sports Ground.

12.213. The proposed trees mix is made up of native trees, except for the Vada Elm (Ulmus 'Vada') cultivar (17 trees, 19%). The choice of a non-native Elm tree

cultivar is likely made to avoid the use of native species which are susceptible to the Dutch elm disease (*Ophiostoma novoulmi*). This cultivar has shown good resistance to the disease; however, it is a cultivar (effectively all trees are genetically identical) and the experience with it is limited. This poses a risk as any health factors would affect all Vada Elms the same. On balance however, as it represents only 19% of the proposed new trees and all other trees are native, it is considered acceptable in this case.

12.214. Maintenance and management strategies have been provided as tables for the first 10 years period and for the schedule of operations throughout a given year. However, these contain a couple of inaccuracies:

- Stake removal should first be considered 3 years after planting with the condition that the trees have successfully established (not after 5 as is indicated).
- Watering requirements should be given in litres per week per tree for the first 2 years after planting and should be correlated with the stock size at planting.

12.215. These are minor amendments which could have been addressed via condition.

12.216. A Tree Cover Assessment has been provided in line with Oxford City Council's Technical Advice Note 9: Green Spaces. This indicates the Tree Cover Baseline was 6% of the site (4364m²) at the time of survey and would be at 8% of the site (6390m²) after 25 years without development.

12.217. Only two trees and one group of young trees are proposed for removal to enable development. With the proposed development and tree planting, the assessment estimates tree cover improvements both immediately following planting 6% (but 4520m²) and at 25 years following development with 8% tree cover (7236m²). This meets the major non-residential applications tree cover criteria and aligns with Policy G7.

12.218. Subject to conditions, the proposals comply with Policies G7, G8 and DH1 of the Oxford Local Plan 2036.

i. Health, wellbeing and safety

12.219. Policy RE5 states that Oxford City Council will seek to promote strong, vibrant and healthy communities and reduce health inequalities. Proposals will be supported which help to deliver these aims through the development of environments which encourage healthier day-to-day behaviours and are supported by local services and community networks to sustain health, social and cultural wellbeing. Measures that will help contribute to healthier communities and reduce health inequalities must be incorporated in a development.

12.220. It also states that for major development proposals, the Council will require a Health Impact Assessment to be submitted, which should include

details of implementation and monitoring. This must provide the information outlined in the template provided at Appendix 4.

12.221. Paragraph 96 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

12.222. Paragraph 135 (f) of the NPPF also states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

12.223. A Rapid Health Impact Assessment Matrix has been submitted with the application which aligns with the requirement outlined in Appendix 4 of the Oxford Local Plan. Overall the assessment concludes there would be no adverse health and wellbeing impact associated with the proposed development and as such no mitigation implementation nor monitoring is necessary. Officers are satisfied that a robust assessment has been carried out and that overall the development will have a positive health impact.

12.224. In relation to the NPPF, the proposed increase of sports facilities on the site when coupled with the community space and café would help promote social interaction. In order to secure the community use a planning condition would have been recommended for the submission of a community use agreement to the Local Planning Authority. The introduction of lighting on the site and the proposed increase of activity which would be generated throughout the year would help make the site safer and help prevent crime and disorder. Evidence has been submitted with the application showing that the site currently experiences various types of crime, and therefore the intensification of the site when coupled with the additional lighting measures would be positive. In addition,

the proposals would support healthy lives through the provision of upgraded and additional green infrastructure and sports facilities.

12.225. The Thames Valley Police Designing Out Crime Officer was consulted on the application who noted that Secured By Design offers numerous crime prevention design guides for varying applications. They raised no objection to the application subject to a condition being placed on any permission which ensures that Secure by Design principals and/or standards are incorporated into the development.

12.226. As such the proposals comply with Policy RE5 and paragraphs 96 and 135 of the NPPF.

j. Sustainability

12.227. Policy RE1 states that planning permission will only be granted where it can be demonstrated that the following sustainable design and construction principles have been incorporated, where relevant:

- a) Maximising energy efficiency and the use of low carbon energy;
- b) Conserving water and maximising water efficiency;
- c) Using recycled and recyclable materials and sourcing them responsibly;
- d) Minimising waste and maximising recycling during construction and operation;
- e) Minimising flood risk including flood resilient construction;
- f) Being flexible and adaptable to future occupier needs; and
- g) Incorporating measures to enhance biodiversity value

12.228. Policy RE1 also states that an Energy Statement will be submitted to demonstrate compliance with this policy for new-build residential developments (other than householder applications) and new-build non-residential schemes over 1,000m². The Energy Statement will include details as to how the policy will be complied with and monitored.

12.229. It notes that for new-build non-residential developments of 1000m² or more, planning permission will only be granted for non-residential development proposals that meet BREEAM excellent standard (or recognised equivalent assessment methodology).

12.230. It also outlines that planning permission will only be granted for development proposals of 1,000m² or more which achieve at least a 40% reduction in the carbon emissions compared with a 2013 Building Regulations (or future equivalent legislation) compliant base case. This reduction is to be secured through on-site renewables and other low carbon technologies and/ or energy efficiency measures.

- 12.231. The proposed development would be over 1,000m² and as such meets the requirement for an energy statement to be provided. The application has been accompanied by an energy statement which outlines how the sustainable design and construction principles outlined within Policy RE1 have been considered into the proposals. This includes air source heat pumps and the use of low water consumption appliances.
- 12.232. The energy statement submitted outlines that the only new building proposed larger than 1,000m² is the padel enclosure, and that this building would come under the definition of a 'building with low energy demand'. The Applicant considers that the proposals on this basis will be exempt from Part L building regulations, however no evidence has been provided with the application to confirm this from a building control inspector. It also outlines that the BREEAM Assessment method cannot be applied to the padel building as does not meet the definition of a conditioned space designed for continuous occupation by a building user. It is therefore ineligible for credits that would be required to meet BREEAM Excellent.
- 12.233. The Council asked the Applicant to provide evidence from a building control inspector that Part L Building Regulations do not apply to the padel enclosure, however the Applicant was not forthcoming with this.
- 12.234. As such in the absence of any evidence to support this claim Officers cannot be certain that the proposals would comply with the requirements of Policy RE1.
- 12.235. Overall the submission fails to comply with Policy RE1 of the Oxford Local Plan 2036.

k. Air quality

- 12.236. Policy RE6 states that planning permission will only be granted where the impact of new development on air quality is mitigated and where exposure to poor air quality is minimised or reduced. It also states that the exposure of both current and new occupants to air pollution during the development's operational and construction phases, and the overall negative impact that proposals may cause to the city's air quality, will be considered in determining planning applications. Where additional negative air quality impacts from a new development are identified, mitigation measures will be required to ameliorate these impacts.
- 12.237. An Air Quality Assessment was submitted which shows that the application site is located within the Oxford city-wide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO₂ air quality objective (AQO).
- 12.238. The air quality baseline desk assessment shows that current air quality levels at the application site are well below relevant air quality objectives for NO₂, PM₁₀ and PM_{2.5} concentrations. Therefore, the location of the application site is considered suitable for its intended use without mitigation.

- 12.239. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed on the AQ Assessment for the proposed Application Site. This has identified that the site is found to be at medium risk for dust soiling activities (Earthworks, Construction and Trackout). The risk of dust causing a loss of local amenity and increased exposure to PM10 concentrations has been used to identify appropriate dust mitigation measures. Provided these measures are implemented the residual impacts are considered to be not significant which could be controlled via condition.
- 12.240. It is considered that pollutant concentrations at the site are predicted to be below the relevant AQOs and as such additional mitigation is not required for the operational phase. Air quality should therefore not be viewed as a constraint to planning, and the proposed development conforms to the air quality principles of National Planning Policy Framework and the OCC Local Plan.
- 12.241. Had the overriding reasons for refusal not applied, subject to condition the proposals comply with Policy RE6 of the Oxford Local Plan 2036.

I. Land Quality

- 12.242. Policy RE9 states that planning applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment, must be accompanied by a report which:
- a) details the investigations that have been carried out to assess the nature and extent of contamination and the possible impacts it may have on the development and its future users, biodiversity, the natural and built environment; and
 - b) sets out detailed mitigation measures to allow the development to go ahead safely and without adverse effect, including, as appropriate:
 - i. removing the contamination;
 - ii. treating the contamination;
 - iii. protecting and/or separating the development from the effects of the contamination;
 - iv. validation of mitigation measures
- 12.243. It also notes where mitigation measures are needed, these will be required as a condition of any planning permission.
- 12.244. Having reviewed the site plans and design details submitted, coupled with the historical mapping of the site and the surrounding area, it is considered that the site and footprint of the proposed development area has not had a previous potentially contaminative use. The site has only ever previously been in use as a sports facility and prior to that was agricultural land. Therefore the potential contamination risks at the site are considered to be very low. No

specific intrusive contamination risk assessment is therefore considered necessary at the site.

12.245. However the development proposals are extensive and would include ground excavation works at many locations across the site. To ensure that any unexpected contamination encountered during the excavation work is appropriately dealt with, an informative to remind the applicant of what to do should any unexpected contamination be found would be recommended.

12.246. Had the overriding reasons for refusal not applied, subject to the recommended informative, the proposals comply with Policy RE9 of the Oxford Local Plan 2036.

m. Utilities

12.247. Policy V8 states that planning applications (except householder applications) must be supported by information demonstrating that the proposed developer has explored existing capacity (and opportunities for extending it) with the appropriate utilities providers. Planning permission will not be granted where there is insufficient evidence on utilities capacity to support the development and that the capacity will be delivered to meet the needs of the development.

12.248. Policy V9 states planning permission will be granted for all new major developments where:

- a) They are served by full fibre broadband capable of gigabit download speeds; and
- b) The full fibre broadband connections are available at the point of releasing for sale where relevant, and that the cost of the services are at market rates, preferably offering broadband services from more than one service provider; and
- c) Developers work with a recognised network carrier to design appropriate duct infrastructure for the installation of fibre broadband by a range of operators; and
- d) Other forms of digital infrastructure, such as facilities supporting mobile phone broadband, are included wherever possible

12.249. Thames Water were consulted on the application and they confirmed that having the details that they raised no objection to the proposals.

12.250. Whilst the application comprises of major development, the majority of the proposals include the upgrade of existing buildings on the site and sports pitches. Whilst it is acknowledged that a new building is proposed in the form of the padel enclosure, the use of this building as sports courts would not require fast broadband.

12.251. As such the proposals comply with Policies V8 and V9 of the Oxford Local Plan 2036.

13. CONCLUSION

- 13.1. 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 considerations indicate otherwise.
- 13.2. 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 accords 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 reason 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.
- 13.3. The application seeks planning permission for the upgrade of existing pitches and addition of new sports facilities at Hertford and Exeter College Recreation Grounds. Permission is also sought for the refurbishment of the cricket pavilions, alterations to Exeter squash courts for use as a golf simulator, and the change of use of Hertford squash courts to café, changing facilities, sports hub, reception area and community facilities. In addition permission is sought for the associated access, parking, cycle parking, refuse and recycling, new footpaths and landscaping. The proposals are considered unacceptable due to their design and impact upon the Green Belt, heritage assets, as well as the impact upon flood risk and drainage, neighbouring occupiers in relation to noise, and lack of evidence on compliance with building regulations. As such the proposals are contrary to Policies DH1, DH4, DH5, G1, G3, RE2, RE3 and RE4 Oxford Local Plan 2036, Chapters 13, 14, and 16 of the NPPF, and the Flood Risk and Coastal Change Planning Practice Guidance.
- 13.4. It is recommended that the Committee resolve to refuse planning permission for the reasons given in paragraph 1.1.2 of this report with delegated authority being given to the Direction of Planning and Regulation to finalise the wording of the reasons.

14. APPENDICES

- **Appendix 1 – Site location plan**

15. HUMAN RIGHTS ACT 1998

- 15.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse 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.

16. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 16.1. 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 refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.