

APPLICATION NO.	P22/V2377/FUL
SITE	Louie Memorial Pavilion Arnolds Way Oxford, OX2 9JD
PARISH	NORTH HINKSEY
PROPOSAL	Demolition of existing single storey scout hut and single storey Louie Memorial Pavilion. Erection of new single storey community and sports pavilion to replace existing. Associated external works, car parking, access, landscaping and site works. (As amended)
WARD MEMBER(S)	Debby Hallett Emily Smith Scott Houghton Judy Roberts
APPLICANT OFFICER	North Hinksey Parish Council Katherine Canavan

RECOMMENDATION

It is recommended that planning permission is granted subject to the following conditions:

Standard:

- 1. Work to commence within 3 years**
- 2. In accordance with approved plans**

Pre-commencement:

- 3. Tree protection**
- 4. Levels plan**
- 5. Secured by Design Accreditation**

Pre-occupation:

- 6. Schedule of materials to be submitted**
- 7. Scheme of biodiversity enhancements**
- 8. Detailed landscape / planting mitigation strategy, including management plan to secure biodiversity benefits**
- 9. Details of hard landscaping, parking area and boundary treatments**
- 10. Vehicular access and visibility splays**
- 11. Closure of existing access**
- 12. Turning area, driveway and parking provision**
- 13. Cycle parking**

Compliance:

- 14. Lighting strategy**
- 15. Surface water and foul drainage scheme**

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1.0 INTRODUCTION AND PROPOSAL

1.1 The application has been referred to Planning Committee at the discretion of the Planning Manager. This is in light of the level of local interest in the proposal and for reasons of consistency, as the previous application for a similar scheme was presented to planning committee in 2019.

1.2 Site

The application site area extends to approximately 0.206ha and is located on Arnolds Way in Botley, on the edge of North Hinksey parish where it adjoins Cumnor parish. The application site occupies part of the south area of the Louie Memorial Playing Fields which extends to a total of 2.82ha. The Playing Fields were given to the Parish in 1939 for the recreational use of parishioners and are managed by North Hinksey Parish Council.

1.3 The south side of the Louie Memorial Playing Fields includes the existing pavilion building, the Scout building, a football pitch area, fitness equipment, play equipment and a fenced multi-use games area (MUGA). The south side of the Louie Memorial Playing Fields also include areas used for informal recreation.

1.4 The north side of the Louie Memorial Playing Fields (on the opposite side of Arnolds Way) slopes steeply away to the north, affording panoramic long views. The area includes a carpark and play area close to the road. There is also a local wildlife site comprising alkaline fen and woodland and Hutchcombe's Copse.



1.5 The site is within the Oxford Green Belt. The Green Belt boundary includes land up to the highway (Arnolds Way), and up to the western boundary (adjoining the school playing fields). The north side of the Louie Memorial Playing Fields, existing car park, residential properties along Arnolds Way and the buildings associated with Matthew Arnold School are not within the Green Belt.

1.6 North Hinksey bridleway 4 runs to the south of the application site. The site is well-served by public transport, being on a number of bus routes. Arnolds Way is also part of an established cycle route. The highway outside the site does not benefit from on-road parking restrictions but there are traffic calming measures in place on the road.

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There are currently no parking spaces provided on the application site although there is a parking area on the north side of Louie Memorial Playing Fields which is unmarked but allows for approximately 12 vehicles to park.

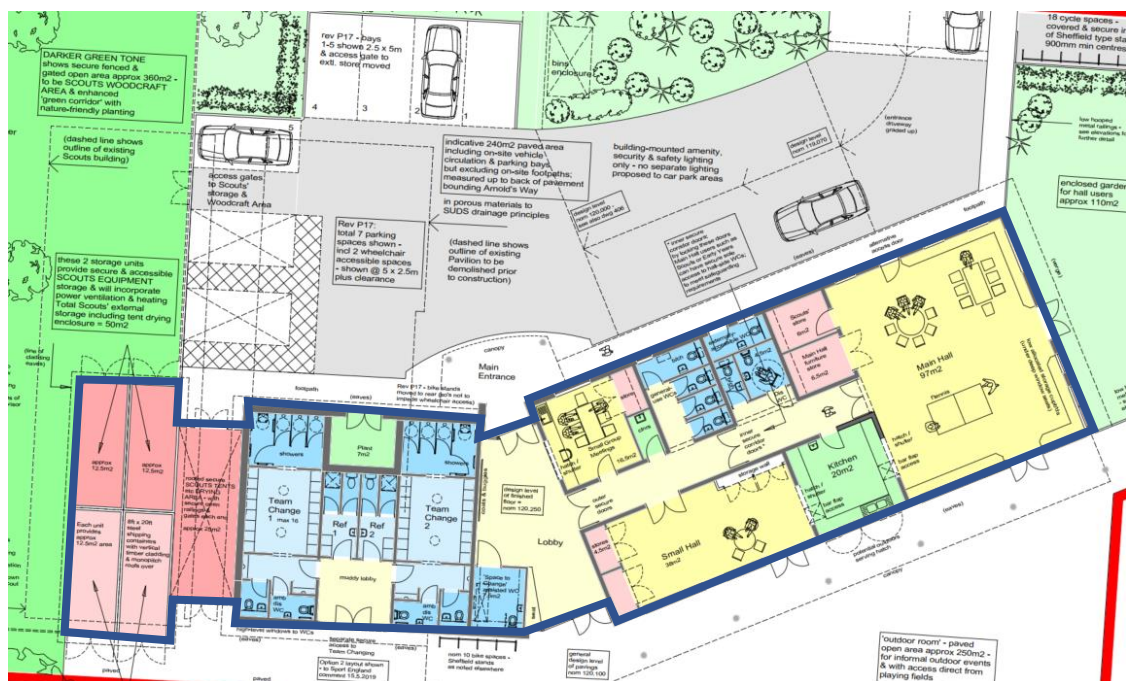
1.7 Proposal

The applicant seeks full planning permission for the demolition of the existing single storey scout hut and single storey Louie Memorial Pavilion, and the erection of new single storey community and sports pavilion to replace existing. The proposal includes associated external works, enclosed courtyard, car parking (4 on-site spaces, plus 2 disabled parking spaces / sufficient space for a mini-bus parking space), access, landscaping and site works.

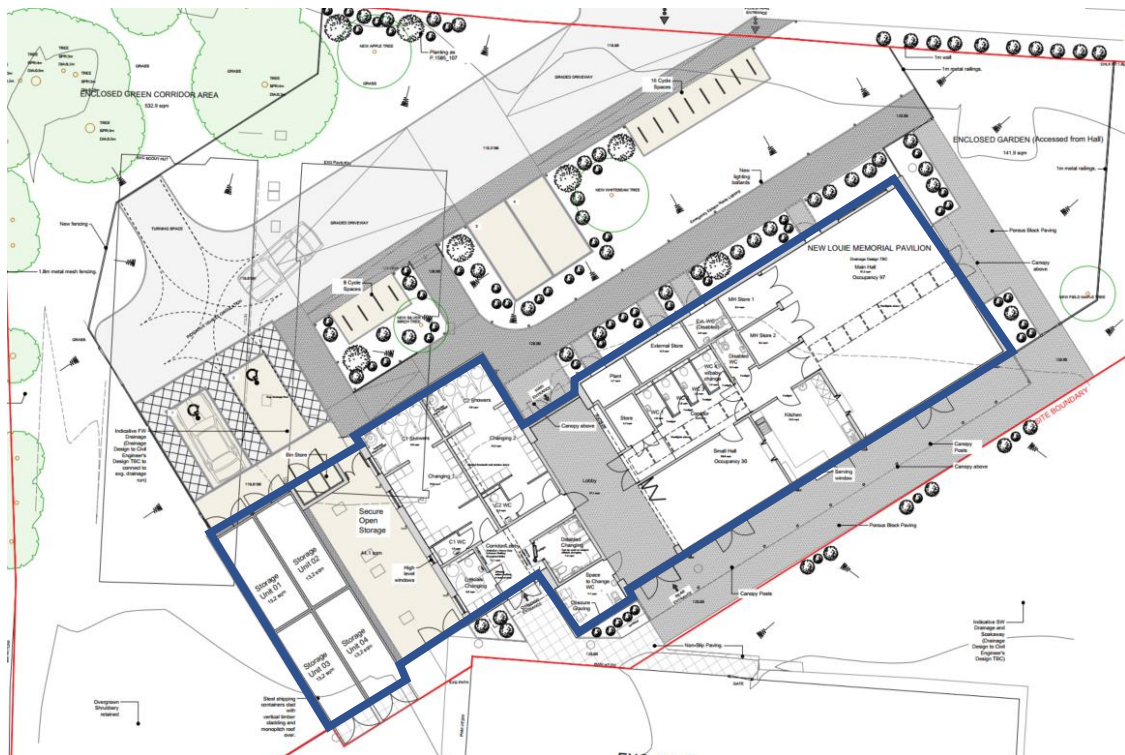
1.8 The replacement building would comprise a main hall with external access, storage and wcs, a kitchen area and a small hall. A linked, but separate block benefits from its own external access and would make up the sports changing facilities with showers, two referee changing areas and separate wcs. The complex also includes an externally accessible wc and a 'space to change' assisted wc/changing area. Note: the third room (small meeting room) from the 2019 proposal no longer forms part of the proposal.

1.9 The new building has a floor area of 515sqm (including the timber-clad storage containers to the rear, compared to 525sqm of the previously approved scheme, and 325sqm of the existing two buildings on site. The increase in floor area from existing is primarily due to the changing room requirements to meet Sport England guidance, tailored storage space and a larger main hall space.

1.10 Layout for development granted permission in 2019 under P19/V0696/FUL (permission expired)



1.11 *Layout for proposal under consideration P22/V2377/FUL*



1.12 *Amendments*

During the course of the application, amendments and additional information were submitted to respond to technical advice received from consultees. The internal layout was slightly reconfigured to address comments from Sport England. Additional information was received on ecology matters, external lighting scheme, security measures, landscaping, land contamination, parking (vehicular and cycle) and visibility splays.

1.13 A copy of the latest plans is **attached** at Appendix 1.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 In addition to advice received from the council's technical officers, representations were received from the parish councils, community groups and local residents. 41 objections were received from the public and local community, along with 27 comments of support, and 1 noted as 'no strong views'.

A summary of the responses received is below. Full comments can be viewed online at: www.whitehorsedc.gov.uk.

North Hinksey Parish Council	In response to the application as first submitted, the parish council requests that the Planning Committee note the application but cannot comment themselves, given that the Parish Council is the applicant.
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	Same response made in response to the amended/amplified proposal.
Cumnor Parish Council	In response to scheme as first submitted, and in response to the amended scheme, confirm Support
South and Vale Countryside Officer	<p><u>First consultation</u> Objection; an updated ecological assessment needs to be provided before this application can be determined. It currently does not comply with policy.</p> <p><u>Second consultation</u> No objections subject to conditions and clarification of biodiversity net gain calculations.</p>
Drainage - (South&Vale)	<p><u>First consultation</u> No objections, subject to a pre-commencement surface water drainage strategy condition</p> <p><u>Second consultation</u> No objections</p>
Equalities Officer (Shared)	<p><u>First consultation</u> Comment provided regarding:</p> <ul style="list-style-type: none"> • Proximity of bins store to disabled parking; • Number and type of changing rooms; • Ensuing outside viewing space is accessible for all. <p><u>Second consultation</u> No response.</p>
Sport England	<p><u>First consultation</u> No objections subject to condition requiring details of the design and layout of the changing pavilion. Also requested additional information on how the local scout group now being able to be part of the new development impacts on the applicant's business plan and the need for the accommodation of the non-sporting element.</p> <p><u>Second consultation</u> No objections.</p>
Highways Liaison Officer (Oxfordshire County Council)	<p><u>First consultation</u> Recommend refusal as application has not demonstrated sufficient access, parking, bicycle parking or floor area information.</p> <p><u>Second consultation</u> No objections, subject to conditions requiring:</p>

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	<ul style="list-style-type: none"> • Access and visibility splays in accordance with details submitted; • Turning space in accordance with details submitted; • Closure of existing access prior to first use; • Bicycle parking in accordance with details submitted; • Parking provision in accordance with details submitted;
<p>Contaminated Land Officer (South and Vale)</p>	<p><u>First consultation</u> Unable to comment as no appropriate contamination assessment has been submitted. Further response received confirming this stance.</p> <p><u>Second consultation</u> No objections.</p>
<p>Landscape Architect (South and Vale)</p>	<p><u>First consultation</u> Holding objection; further information is required to clarify the landscape proposals.</p> <ul style="list-style-type: none"> • Avoiding conflict of the building with the MUGA and allow space for planting; • Further details of both soft and hard landscaping required; • Information on proposed levels in comparison to existing levels including extend and gradient of embankments. <p><u>Second consultation</u> Holding objection maintained; comments made regarding:</p> <ul style="list-style-type: none"> • Soft landscape proposals lack clarity; • Appearance of proposed anti-climb and close boarded fencing; • The steep fall in ground level at the front would be better graded out; • Swale should be designed as an attractive feature; • Seems to be a high level of external lighting proposed.
<p>Leisure Team – Vale</p>	<p><u>First consultation</u> Recommends that:</p> <ul style="list-style-type: none"> • Further discussion should be held between the applicant and scout group; • Proposals must demonstrate compliance with Sport England’s playing fields policy; • Confirmation required from the applicant that the new facilities will not damage the existing MUGA.

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	<p><u>Second consultation</u> No further comments.</p>
<p>Forestry Officer (South and Vale)</p>	<p><u>First consultation</u> No objections, subject to tree protection condition and landscaping condition.</p> <p><u>Second consultation</u> Comments from first response still apply.</p>
<p>Crime Prevention Design Adviser (Thames Valley Police)</p>	<p><u>First consultation</u> Unable to support the application in its current form. Comment provided relating to:</p> <ul style="list-style-type: none"> • The design and access statement does not adequately address crime and disorder; • Concerns regarding location and orientation of the proposed building; • Concerns regarding the design of the building, design of bin and cycle stores and parking area <p>Recommends two planning conditions for any approval granted:</p> <ul style="list-style-type: none"> • An application for secured by design silver accreditation to be submitted; • Proposed external lighting scheme to be submitted. <p><u>Second consultation</u> No response.</p>
<p>SGN Plant Protection Team SSEN</p>	<p><u>First consultation</u> Standard information regarding safety, safe digging practices etc where development works involved.</p> <p><u>Second consultation</u> No response.</p>

2.2 *Local representations - Objections*

<p>Design and character</p>	<ul style="list-style-type: none"> • Scale overly large - overdevelopment • Materials not in keeping with local character • Fencing off of the site restricts public access to green space • Loss of green space character and views over green space • Detrimental impact on Locally Important Views
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Green belt policy	<ul style="list-style-type: none"> • Contrary to Green Belt policy • Larger development than existing in the Green Belt
Biodiversity and habitats	<ul style="list-style-type: none"> • Impact on hydrology of the Alkaline Fen • Impact on Hutchcombe Copse • Risk to protected species • Impact of lighting strategy on wildlife • Risk of blocking wildlife corridors • DEFRA Biodiversity Metric not provided
Community and access to facilities	<ul style="list-style-type: none"> • Loss of existing Scout hut – refurbishment should be considered • Scheme does not fulfil the intended purpose of replacing existing facilities with equivalent or better facilities, and does not provide suitable facilities for Scout Group • The Scout Group require their own space separate to the pavilion • Failed in their statutory obligation to address the current and future needs of community users of this space including the Scout Group • Duplication of existing facilities already in local area • Lack of demand • Unviable and expensive project • Lack of funding
Environmental impact	<ul style="list-style-type: none"> • Increased environmental impact compared to renovation
Sport and playing fields	<ul style="list-style-type: none"> • Encroachment of building onto playing fields • Scheme is contrary to the Pavilion Land covenant when the land was gifted for games / open space use
Crime prevention and security	<ul style="list-style-type: none"> • The siting of the building blocks views to the play area and possible new skatepark - Risk of increase in anti-social behaviour
Access and parking	<ul style="list-style-type: none"> • Increase in size of car park; risk of increase in traffic • Layout encourages car use, not cycling or walking • Poor public transport links in this area

Community groups – Objections

Scout Group (4th Oxford)	<ul style="list-style-type: none"> • The replacement building does not meet the operational needs of the scout group, thereby removing the opportunity for young people to meet • Renovation and refurbishment have been ruled out, when this would continue to meet the group's needs. • A leisure facility is a different use to a community use - the Scout Hut demolition fails to meet the requirements of planning policies to replicate its
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	<p>function here, and the proposed new building has a very different function</p> <ul style="list-style-type: none"> • The scheme engages the Equality Duty and no assessment of impact has been carried out. There is indirect discrimination against young people as a result of the proposal, which is a fundamental consideration. • The current scheme does not respond to community wishes and the Scouts have not been provided with the opportunity to properly engage with the process •
<p>Oxfordshire Badger Group</p>	<ul style="list-style-type: none"> • OBG continues to object to this planning application because of its detrimental environmental impact • Ecological survey, in relation to the alkaline fen, not carried out to appropriate standard, and timing of survey was no appropriate. • The increased footprint of the building and new carpark will have a negative ecological impact on both the wildlife corridors and the irreplaceable habitat of the alkaline fen. • Disturbance to green corridors, to the fen and its ecology and the fragile ecosystems and hydrology of the LM Fields – mitigation is insufficient to compensate for this loss • The wildlife corridor from the upper LM field to the field corridor will be compromised by the scale of the new building which is on a far greater footprint than the current two buildings. It will now be compromised by light spill and increased human activity, and will have a negative effect on the free movement of wildlife • Risk of run-off and pollutants, as a result of the development, flowing into the fen, natural water system and eco-systems. • There needs to be a balance between meeting the needs of the local community and protecting precious habitats. The scale of hard surfaces on the Green Belt, Open Space could be reduced to better reflect the current need and to ensure that the natural environment and irreplaceable habitats are protected and not put at risk.

2.3 *Local representations - Support*

<p>Community and access to facilities</p>	<ul style="list-style-type: none"> • Upgrade to existing, or replacement, facilities desperately needed to meet community need, and to provide young people with a safe place to meet
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	<ul style="list-style-type: none"> • The current facilities are a barrier to establishing teams and sports progression • The proposal would offer a safer, nicer and more purpose built building for its users, and a safe environment for players to meet before / during and after games. • Redevelopment is long overdue - the current buildings are not inviting to the community or visitors and are not in a fit condition for use • It would be a valuable community asset, that would ensure that the fields are also well used and made more accessible for many people. • It will complement the facilities offered by Seacourt Hall. • The new proposal embodies successfully the current and future needs of the pavilion.
Scale and design	<ul style="list-style-type: none"> • The current proposal is more compact and of a smaller scale than the 2019 scheme • The footprint increase seems reasonable and provided that it remains single storey then would not block the view more than current building. • The new design responds well to the needs of both sports teams and community user groups and is modern and flexible as well as being designed with sustainability in mind. • The Pavilion location in the Louie Memorial Fields allows for combined indoor and outdoor use for parties for example and is an ideal location for these types of events and usage • This application shows a building that upgrades the inside space in ways (such as level access, efficient heating, disabled parking and accessibility) which allow for far greater inclusivity of users • Scheme is a better proposal than the one granted in 2019, with a reduced footprint and more energy efficient design
Sustainability	<ul style="list-style-type: none"> • The existing buildings are inefficient and no longer fit for use • Refurbishment of the existing buildings is unlikely to be cost effective in the long-term • Impressed by sustainability of building plans
Accessibility	<ul style="list-style-type: none"> • Current building is not fit for purpose, both inaccessible to those with disabilities, and with inadequate facilities; lack of cycling facilities • Disabled parking next to building in the new proposal is supported
Ecology	<ul style="list-style-type: none"> • A large soakaway is planned so no extra run off into the woods/stream and therefore no impact on the important fenland.

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P23/V0842/FUL](#) – Under consideration

To build a new reinforced concrete skatepark on the grass area of Louie Memorial Fields, to the South of the Pavilion and Basketball Court.

[P19/V0696/FUL](#) - Approved (31/07/2019)

Demolition of existing buildings and erection of replacement 'Louie Memorial Pavilion' with associated car park and other external works.

(Revised proposed building and surroundings plan 404.p17 received 28 June 2019)

[P98/V1106](#) - Approved (04/02/1999)

Replacement floodlights

[P97/V1535/COU](#) - Approved (22/01/1998)

Change of Use from Sports Pavilion to Sports Pavilion and Youth Centre.

[P79/V0508](#) - Approved (01/08/1979)

Extension to scout hall to provide committee room and store.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The size of the site and the scale of the proposal are below the EIA threshold, and are not located within an area classified as sensitive, for example, an AONB. This has informed the officer's decision that an EIA screening opinion is not required.

5.0 **MAIN ISSUES**

5.1 **The relevant planning considerations are the following:**

- **Principle of development**
- **Green Belt**
- **Equality and diversity**
- **Community use**
- **Flood risk and Drainage (Ecology)**
- **Quality and secure design**
- **Additional Planning Matters**

5.2 **Principle of development**

The Council's Local Plan 2031 Part 1 (LPP1) sets out the spatial strategy and strategic policies across the Council area to deliver sustainable development. Policy CP03 of the LPP1 devises a settlement hierarchy approach, steering new development to sustainable locations. Botley is a settlement identified within this policy as a Local Service Centre and therefore a more sustainable location for development. As such, Botley is a suitable location for the provision of services and facilities to support the area as a viable and sustainable community.

5.3 The principle for redevelopment of the site as a community facility was established under planning permission P19/V0696/FUL in July 2019. The

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application was determined using LPP1 and saved policies from the 2011 Local Plan. At that stage the LPP2 policies carried significant weight, and have since been adopted. The North Hinksey Neighbourhood Plan also carried some weight, and has since been examined and formally made.

5.4 Although the 2019 permission is no longer extant, the principle of the previously approved development is comparable, and the policy relating to the spatial strategy is unchanged. The principle of development in this location, for community purposes, continues to be acceptable.

5.5 **Green Belt**

The site lies within the Oxford Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. As a general rule, development in the Green Belt is normally considered to be inappropriate from the outset unless very special circumstances exist to override the presumption against such development.

5.6 Paragraph 149 of the NPPF states that such very special circumstances may include:

- the provision of appropriate facilities (in connection with the existing use of land or a change of use) 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;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, or
- the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

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This is also drawn through to policy CP13 of the LPP1 at points iv and vii.

5.7 Taking the community space and the changing area in turn:

5.8 The existing community facilities (meeting space, storage and kitchen = 325sqm) would increase to a floorspace of 397sqm (halls, storage, covered drying space, kitchen, accessible wcs) with an increase in building height by approximately 1.5-2m. The replacement community elements fall within the same use and purpose, and although it would be visually different, officers do not consider the increase in scale to be significantly larger, or to materially impact the openness of the Green Belt. This can therefore be carried out under one of the very special circumstances for development in the green belt.

5.9 The proposed changing facilities (118sqm) are closely linked with the recreational and sports fields within the wider playing field site. The scale and footprint of the changing block is appropriate to its use. This can therefore be carried out under one of the very special circumstances for development in the Green Belt.

5.10 The combined footprint of the existing buildings is approximately 325m² whereas the proposed footprint of the replacement building together with storage containers is approximately 515sqm. The associated area for car-parking and the enclosed garden and covered drying area will also be seen to form part of the development as a whole.

5.11 While slightly larger in height, keeping the building to single storey height, and incorporating pitched roofs on the hall and the changing areas, while using flat roofs for the link space, covered drying area and timber-clad storage containers, minimises the overall massing of the building, and impact on the openness. By virtue of the siting of the replacement building (plus additional hardstanding) in the part of the site closest to the built up edge of the settlement, and being designed as a single building (i.e. not a series of buildings spread out across the playing field), the proposal would not harm the openness of the Green Belt. As such, the development does not conflict with Paragraph 149 of the NPPF or policy CP13 of the LPP1.

5.12 **Equality and Diversity**

In determining this planning application, the Council must have regard to its equalities obligations, including its obligations under Section 149 (Public Sector Equality Duty) of the Equality Act 2010. The public sector equality duty is a duty on public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act, i.e. those with protected characteristics. This is particularly relevant in this application as the Scout Hut has been used by the Scouting Association since 1973. The Scouts have a protected characteristic of 'age', and historically this could also be considered to be 'sex', as in the past the majority of Scouts were young boys. For these reasons the Public Sector Equality Duty (PSED) is therefore engaged, and must be fully considered in how officers advise the committee, and in how committee members determine the application.

5.13 When the council as local planning authority carries out its functions, the Equality Act says it must have due regard or think about the need to:

- eliminate unlawful discrimination
- advance equality of opportunity between people who share a protected characteristic and those who don't
- foster or encourage good relations between people who share a protected characteristic and those who don't

5.14 The PSED means public authorities must think about whether they should take action to meet these needs or reduce the inequalities. In doing this, public authorities are allowed to treat some groups more favourably than others.

Section 149(1) of the Equality Act says public authorities should think about the need to:

- remove or reduce disadvantages suffered by people because of a protected characteristic
- meet the needs of people with protected characteristics

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- encourage people with protected characteristics to participate in public life and other activities
- 5.15 It should however be noted that the Council's equality duty is not to carry out the objectives in section 149(1) above all other considerations, but to have 'due regard' to the need to achieve them. Even in cases where the duty is to pay very high regard to the objectives, a public authority is entitled to balance those considerations against countervailing factors. The weight to be given to those countervailing factors is for it to decide.
- 5.16 In this particular case the Scout Group (4th Oxford) has raised objections on the basis of equality of opportunity for their members, as the proposal would require demolition of the existing Scout Hut. Although the former Scout hut was leased from North Hinksey Parish Council, it provided the Scout Group with a standalone facility for which they had sole use and could utilise as and when they wished at any time of day, night or weekend, without them having then to fit in and around other users of a shared building. They also raised concerns that the replacement building would not be able to fully provide for their specific needs, for example, separable space alongside other community groups for safeguarding reasons; leased at an affordable cost; having sufficient use of the main hall at a time that is appropriate for its younger members; and provision of appropriate storage and drying areas for large equipment.
- 5.17 In considering these concerns, officers have had regard to representations made by the Scout Group to the current application, and considered the timeline and supporting documents posted on the North Hinksey Parish Council's website which sets out the parish council's view of the history of the scheme, and discussed the 2019 application (P19/V0696/FUL) and representations with planning colleagues.
- 5.18 Officers understand that between 2013 and 2018 the 4th Oxford Scout Group was a stakeholder in finding a solution for the two community use buildings, which were deteriorating over time. At that point the project brief (October 2017) prepared by the key stakeholders, with input from the Scout Group, seemed to be moving towards a joint use community building. Further to public consultation (2018), changes were made to the design to accommodate representation from the Scout Group.
- 5.19 Towards the end of 2018 the Scouts again raised concerns about terms of access under a new lease/licence agreement, confirmation of costs, and being able to use the hall for the hours they needed that was appropriate for their younger members.
- 5.20 The Scouts' preference moved to retention of the existing scout hut to allow for these needs to be met. In the parish council's response, they clarified that there were elements of the request that could be met, for example, through negotiating a suitable lease agreement which set out reasonable room hire fees. However, certain elements of the objections were challenged, for example providing a comparable level of hall availability to their existing use, rather than increased hours or priority use; equivalent meeting times and days for existing

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Scout Groups and their corresponding ages; and challenging the available maintenance funds alongside expected subscription fees. Notwithstanding, significant steps had been taken in terms of revisions to the design and liaising with the Scout Group to address concerns over safeguarding, cost, priority access, specialist outdoor and storage needs, and to create an equivalent meeting space that met their specific needs.

- 5.21 It is acknowledged that ‘age’ as a protected characteristic is a key factor in determining whether the replacement facilities continue to offer the same opportunities to younger members, i.e.. early evening meetings would need to be made available for the younger groups.
- 5.22 Although the 4th Oxford Scout Group is currently meeting at a different venue, in 2018 it is understood that the sections met on the following days – the ages of each group are included for clarity: Monday for Cubs (8-10.5 yrs), Tuesday for Explorers (14-18 yrs), Thursday for Scouts (10.5-14 yrs), Friday for Beavers (6-8 yrs).
- 5.23 The replacement building would provide them with the opportunity to meet for the same number of hours but would require two sections to meet on the same evening, rather than 4 separate slots across the week. While it would not be reasonable to schedule younger groups ‘back-to-back’ on the same evening, it is reasonable for the Scouts or Explorers (older age group) to meet following the Cubs or Beavers (younger age group) on the same evening. This is one of the recommendations from the parish council, and is scheduled in this way by other Scout groups. Officers consider this is an appropriate way of meeting the PSED as the equivalent groups could continue to meet in the replacement facilities, and the younger sections would not have to be scheduled at a time that prejudiced the protected characteristic of age.
- 5.24 In terms of ‘sex’ being a protected characteristic, it is understood that a single mixed-sex group of a similar age meets for each section. While Scouts have historically been young males, and some Scout Troops meet as single sex groups, this is not the case here and not relevant to this application.
- 5.25 It is understood that the 4th Oxford Scout Group’s preference is to continue to use the Scout hut building. In terms of other factors that must be weighed alongside the equality objectives, it should be noted that the Scout hut is in a poor condition and has an Energy Performance Certificate rating of G, which means it cannot currently be used. The Scouts have been using meeting space at the rugby club since February 2021. As part of the options appraisal (as per the consultation presentation prepared by Nortoft, April 2018) costings were carried out for a part new / part refurbish option, as well as new build options. The new build options were more costly at that stage, but the cost of refurbishment is likely to have increased since 2018 given the continued deterioration of the building.
- 5.26 While cost is only one element of it, officers must also afford weight to community use policies in determining the application, as set out below. In considering a proposal for a replacement building, the applicant has

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demonstrated that an equivalent level of use and facilities can be provided to existing users. However, the improved facilities would also ‘encourage people with protected characteristics to participate in public life and other activities’ who are currently unable to make use of the two community buildings, or access the Scout Group if they were to continue to meet in the existing buildings – there is a step into the building and no disabled wc. Refurbishment of the Scout Hut alone is unlikely to deliver more accessible changing facilities, but a multi-use facility that can accommodate the needs of the Scouts Group and other local community groups would collaboratively benefit the wider community.

5.27 These matters have informed the officer’s recommendation when considering countervailing factors and in having regard to the Equality Act. In conclusion, the Local Planning Authority has had regard to the PSED through the officer’s assessment and in the way these matters have been presented to Planning Committee. When considering the Scout Group objections to the proposal, these have been considered in light of the PSED. Officers have concluded that the Scout Group would not be prejudiced by the removal of the scout hut, which has historically been their meeting place, as the equivalent level of meeting space, and at suitable times, can be provided. The improved facilities for the wider community (as a multi-use building, over retention and refurbishment of the Scout hut) also weigh into this decision, which is in line with planning policies, specifically paragraph 99 of the NPPF, CP8 of the LPP2.

5.28 **Community use**

Paragraph 99 of the NPPF sets out that:

‘Existing open space, sports and recreational buildings and land, including playing fields, 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.

5.29 This is drawn through to policy CP08 of the LPP2 which supports the provision of new or extended community facilities, including community and village halls, particularly where they are located within or adjacent to the built-up area of an existing settlement, where they meet an identified need and where they are acceptable to all members of the community and promote social inclusion.

5.30 Development that results in the loss of community facilities is required to demonstrate that it would lead to significant improvement of an existing facility or that the replacement would be equally convenient for the local community, with equivalent or improved facilities.

5.31 The proposal would result in the loss of two buildings which in recent years have been used as a scout hut, youth club room, sports changing facilities and for other community groups and events. The Design and Access Statement

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shows that both buildings are in a poor state of repair, internally and externally, and asbestos is present in the buildings.

- 5.32 The proposed new building has an increased floor area but the increase is primarily due to meeting the changing room requirements set out in Sports England guidance. The replacement building would result in the equivalent number of meeting rooms, with a similar amount of floorspace, but with a more flexible and accessible arrangement of community space and in a much improved condition. For example, both rooms and associated changing / wc facilities would be accessible within the main building, and both rooms would have visibility and access out onto the sports pitches, all access would be step-free. The building includes a range of changing facilities accessible to all, as well as separate toilet facilities close to the main hall. An increased amount of storage is proposed, including internal storage, covered outdoor / drying space, and lockable container space.
- 5.33 This is a significant improvement on the current facilities, and introduces flexibility into the buildings to allow opportunities for use by a range of community and sports groups in the local area. While minor changes have been made to the layout to respond to comments from Sport England, and the building has been slightly reorientated within the site, the proposed scale of facilities and space are broadly the same as the previously approved scheme in 2019.
- 5.34 The application has been accompanied by an indicative schedule, demonstrating how community groups currently use the two buildings, and how groups could be accommodated in the replacement facilities. It is understood that throughout the development process, interest has been expressed from other community groups in using the new pavilion. The indicative schedule indicates that the facilities could accommodate groups throughout the day and into the evening; that sports and community groups could be accommodated alongside each other without conflicting with each other, including having their own storage. The access drive has sufficient turning space for a minibus to manoeuvre and park, to open up opportunities for groups with mobility difficulties or being driven from shared residential accommodation. There is scope to accommodate groups of differing ages and with specific care needs, and also to cater for small-scale private parties and community events.
- 5.35 In terms of addressing the requirements of para 99 of the NPPF and CP8 of the LPP2, the benefits of the replacement facilities would outweigh the loss of the current community buildings. The more flexible meeting space, improved storage facilities and step-free access would provide better facilities in terms of quality and accessibility. The proposed changing and wc facilities also contribute positively to improved access and social inclusion, making the space and sports facilities available to a wider range of community groups. The replacement facilities are on the same site on the edge of a built-up residential area, and would remain within easy reach of community groups currently using the facilities. Sport England, as a statutory consultee, have not objected to the proposal, and note that it is in line with Policy Exception E2 of their Sport England Playing Fields Policy.

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- 5.36 For these reasons, the replacement facilities would widen the range of activities and events available to the local community and the proposal complies with national and local policies relating to community uses.
- 5.37 **Flood risk and Drainage (Ecology)**
In accordance with Policy CP42 of the LPP1, the applicant must provide a surface water drainage system adhering to the principles and hierarchy of SuDS, and ensuring neighbouring sites are not adversely affected as a result of the development.
- 5.38 The site is located within Flood Zone 1 and is therefore not at risk of flooding. However, the application site resides to the south of Louie Memorial Fields Local Wildlife Site (LWS) (site code: 40X05), within which there is a lowland fen. The LWS has been subject to ecological monitoring and conservation management.
- 5.39 Given the site's sensitivities in relation to drainage and the nearby Fen, an updated Ecological Appraisal making reference to the LWS, and a detailed Drainage and Hydrology report, were requested from the applicant during the course of the application. The reports were reviewed to identify any potential impacts from the development and its drainage proposals on The Fen, local wildlife and biodiversity. For this reason, advice was sought from both the councils' Drainage Engineer and the Countryside Officer on this matter.
- 5.40 Policy CP46 of the LPP1 seeks to protect important ecological receptors (designated sites, protected species, priority habitats, etc.) and secure net gains for biodiversity. Where adverse impacts on important ecological receptors are likely, development must meet the criteria outlined under the policy to be acceptable. Net losses of biodiversity will not be supported.
- 5.41 Lowland fen is an irreplaceable habitat and benefits from strict protection under paragraph 180c of the NPPF.
- 5.42 The primary ecological consideration is the potential impacts of development on the irreplaceable fen within the LWS to the north. It is acknowledged in the Ecological Appraisal that an increase in surface run off from hard surfacing within the application site has the potential to interrupt the existing hydrological regime of the LWS and result in harm to the fen. Page 34 of the Ecological Appraisal supports a series of measures intended to reduce the rate and volume of surface water run-off from the application site.
- 5.43 The supporting drainage strategy shows that the surface water from the site will be captured and infiltrate into the ground within the site. Exceedance would flow onto the adjacent road to the north. This solution seeks to ensure that surface water does not flow into the LWS stream and degrade the fen. Subject to the maintenance schedule (Appendix E of Drainage Strategy) being secured by condition, the Countryside Officer is satisfied that this the technical solution is acceptable.

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- 5.44 The Drainage Officer has confirmed that *'the Drainage Strategy and Water Assessment demonstrates that no ground water lies within at least 3.5 m of the surface and therefore, any observations regarding ground water flooding or impact on its natural flow, have been suitably addressed. There is no reason to think the proposed development would have an impact on the downstream fen through ground water recharge. Furthermore, the site is an existing developed site, albeit on a smaller scale than proposed and we hold no records of ground water flooding here.'*
- 5.45 Subject to the drainage measures being secured by condition, and appropriately maintained, the development complies with Policy CP42 of the LPP1. Furthermore the measures are appropriate in managing run-off associated with the site and proposed development, and the technical solution prevents disturbance to the sensitive balance of the Fen. For this reason the development complies with Policy CP46 of the LPP1 and paragraph 180c of the NPPF.
- 5.46 **Quality and secure design**
Paragraph 126 of the NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.
- 5.47 Policy CP37 of the LPP1 states that new development must demonstrate high quality design that responds positively to the site and its surroundings, creating a distinctive sense of place through high quality townscape that physically and visually integrates with its surroundings. It adds that development must be visually attractive, and the scale, height, massing, and materials should be appropriate to the site and its surrounding context.
- 5.48 It is recognised that the proposed design of the building would bring about a change in visual amenity to the area, when compared with the current facilities. The entrance and driveway of the new building would face onto Arnolds Way, with the rear elevation opening out onto the playing fields, compared with the current buildings which are positioned parallel to and close to the site boundary.
- 5.49 The new building has a floor area of 515sqm (including the timber-clad storage containers to the rear, compared to 525sqm of the previously approved scheme, and 320sqm of the existing two buildings on site. The increase in floor area from existing is primarily due to the changing room requirements to meet Sport England guidance and a larger main hall space. All accesses will be step-free, including the access points from the halls onto the terrace (with canopy over); this is not the case with the current buildings. This approach is supported as it allows the building to be more accessible, and provides for more varied use of the pavilion by several organisations/user groups.



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- 5.50 The proposed building will also be higher than the existing, which measures 4m in height. The new building has an eaves height of 2.9m, and measures 5.95m along the central ridge point. Set back within the site, the changing rooms are to measure 5.5m in height, and the storage containers 3m. While these measurements are comparable to the 2019 scheme, the overall design of the main hall is considered to be less intrusive as the dual-pitch roof slopes are at a lower level, with only the roof lights being located at the highest point, along the central spine of the building. In addition the roof design and massing of the changing rooms are more compact to the rear. This design will still allow for the installation of pv panels, and for storage and services provision within the eaves, together with an airy spacious interior.
- 5.51 The application site is set in a mainly residential area with the Matthew Arnold School to the west but there are no buildings immediately adjoining the application site, thereby allowing more scope for a unique identity for the building. It will also be seen in the context of the Louie Memorial Playing Fields and would be expected to be of a design suited to a sport or recreational use. Officers consider the design is of an appropriate scale and appearance, having regard to its intended use, and represents a benefit to the visual amenity of the area since the existing buildings are dated and in poor condition.
- 5.52 *Designing out crime*
Additional information was submitted during the course of the application to address concerns raised by the Crime Prevention Officer, specifically a scheme for CCTV monitoring, a lighting scheme and a commitment to achieving Secured by Design accreditation. In planning terms this has been weighed alongside other constraints relating to the site, for example, lighting that respects the biodiversity and wildlife sensitivities and an edge of settlement location, alongside a lighting scheme that creates a safe place. Sufficient information has been provided to demonstrate that a CCTV strategy can be delivered on-site to cover the building, sports pitches and existing car park. The requirement for Secured by Design accreditation has been recommended as a condition – among other measures, a detailed CCTV strategy will form part of this process.
- 5.53 The building has been designed in a way that responds appropriately to its edge of settlement location, while opening out onto recreational space. Officers consider the scale, height and massing appropriate to its purpose, site and surroundings. The layout provides a multi-use and accessible building for a variety of community uses. Subject to a condition, the Secured by Design accreditation is the most appropriate approach to achieving a safe community space and reduces the opportunity for crime. Sufficient information has been provided to show this can be achieved in relation to the proposal. The development complies with paragraph 130 of the NPPF and Policy CP37 of the LPP1.

5.54 **Additional Planning Matters**

Highways and parking

In terms of accessibility, the application site is on the edge of a built-up settlement and within easy reach of the community by foot. There are cycling and bus routes to the site, and parking provision on-site for a minibus, which provide alternative means of transport to private transport. An appropriate level of cycle parking has been provided on-site.

5.55 The Highways Officer has advised that additional vehicle parking is required over and above what can be achieved on the pavilion site (4 spaces), in order to meet Oxfordshire Parking Standards. It is noted that there is currently no on-site parking. However, the car park on the northern side of Arnolds Way, opposite the pavilion site and marked as being within the 'blue-edged line', is within the same ownership and available for use in connection with the sports fields, playground and associated community uses.

5.56 While not within immediate application area, shown within the red line, planning permission and consultation would be required for any development, or loss, of this parking area. This provides sufficient long-term security that users of the proposed pavilion would continue to have access to this car park, and is therefore in line with the Oxfordshire Parking Standards (CP33 and CP35 of the LPP1, DP16 of the LPP2).

5.57 *Trees and Landscaping*

The site is bordered by a band of vegetation and trees along the western edge (bordering the school), and along the south-west and south-east edges of the playing fields, with a group of maturing trees close to the current buildings and Arnold Road. The landscaping along Arnold Road will be largely unaffected, subject to a condition requiring tree protection during construction. Some vegetation to the south of the existing buildings will need to be removed to accommodate the new building.

5.58 Subject to a detailed landscaping scheme, and a condition setting out which trees are to be retained, replaced or introduced as an enhancement, the tree officer has raised no objection to the proposal. The landscape officer has maintained a holding objection on the basis that there are details relating the scheme which have not yet been submitted, such as details on additional tree planting to help soften the built form of the building, landscaping to contribute to enhanced biodiversity, details of the gradient of the swale and fencing detail to the enclosed garden (fronting Arnold Road). These details can be appropriately managed and reviewed by condition. (CP46 of the LPP1)

5.59 *Ecology and biodiversity*

The application site resides to the south of Louie Memorial Fields Local Wildlife Site (LWS) (site code: 40X05) which is designated for the mosaic of woodland, wetland and scrubland habitats, and the invertebrates that those habitats support. Within the LWS there is lowland fen and records of protected species. Contiguous to the south west of the LWS is Hutchcomb's Copse, a small area of ancient woodland. The LWS and copse have been subject to ecological monitoring and conservation management. Given the relationship between the

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lowland fen and drainage of the site, these matters have been considered under section 5.17 of the report above. Further to receipt of additional drainage and ecological information, there is no objection from the Countryside Officer.

- 5.60 Habitats within the application site to be lost to development are not considered to be a constraint. The existing buildings are of low ecological value and are not considered to support roosting bats. Direct impacts on protected species are unlikely, subject to sensitive working methods during demolition and construction phases of development.
- 5.61 The lighting information shows that it is possible to provide external lighting for the development without exposing the western boundary (bat zone) to unacceptable levels of obtrusive light spill.
- 5.62 In response to consultation advice from the countryside officer, the biodiversity metric for the current site, and development proposals, has since been submitted. As a result, it is recommended that the following measures are secured by condition:
- Long term landscape management to ensure that areas of grassland are accounted for as being in good and moderate condition and are managed appropriately
 - A scheme of biodiversity enhancements – bat boxes and bird boxes provided on the building and trees, log piles and hedgehog boxes secured by condition (CP46 of the LPP1).
- 5.63 *Residential amenity*
While there are no immediate neighbours to the application site, there are residential properties close to the site on the opposite (northern) side of Arnold's Way. The replacement building is set further away from properties than the existing buildings, and although higher, the building would still only be single storey in height. Lighting to the parking area and driveway is predominantly low level bollard lighting, minimising lightspill along the north western side of the site closest to residential properties. The building and parking area would continue to be screened by trees and planting.
- 5.64 Officers are satisfied the new building would not harm the amenity of neighbours in terms of dominance or visual intrusion, and would not result in disturbance as a result of the proposed lighting scheme. In terms of noise impact, the type of use, and frequency and intensity of use, is likely to be comparable to existing and there would be no noticeable change (Policy DP23 of the LPP2).
- 5.65 *Relationship with the playing fields*
Concerns have been raised during the consultation that the replacement building would extend onto undeveloped land which currently forms part of the playing fields. The proposal has been reviewed by Sport England (SE) who have advised that the principle of the proposed development meets exception 2 of our playing fields policy, in that:
'The proposed development is for ancillary facilities supporting the principal use

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of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

- 5.66 Officers are satisfied that the playing fields and pitches, or access to these areas, are not adversely affected by the proposal, but rather that the replacement building improves connectivity between users of the outdoor and indoor facilities (Para 99 – Open Space and Recreation of the NPPF; CP08 and DP34 of the LPP2; Policy Exception E2 of the Sport England Playing Fields Policy).
- 5.67 *Covenant restrictions on use of Louie Memorial Fields*
The terms of the covenant are not a material planning consideration but have been raised as a concern during the consultation process by local residents. An extract from the conveyancing document is included below and indicates the land was intended for sport, recreation and related recreational buildings. The proposal would work alongside the current sport uses, and provide opportunity to increase take up. Officers consider there is no conflict between the original conveyance to gift the Fields and the current proposal.
- 5.68 *"THIS CONVEYANCE is made the 16 May 1939 BETWEEN Sir William James Mallinson of "Pine End" Reigate in the County of Surrey Baronet and Ernest Henry Tipping of 14 Saint Giles in the City of Oxford Land Agent (hereinafter together called "the Vendors") of the first part Henry Stephen Kingerlee of Queen Street in the City of Oxford Builder and Contractor (hereinafter called the Doner") of the second part and The Parish Council of North Hinksey in the County of Berks whereinafter called The Council") of the third part.*
- 5.69 *WHEREAS: -The donor in commemoration of his late wife Louie Emma Kingerlee is desirous of making a free gift of the said property to the Council in order that the same may be laid out equipped maintained and either managed or let by the Council for the purpose of Cricket, Football, Tennis, Hockey or other games or recreations or otherwise preserved as an open space PROVIDED that the Council shall not be prevented from erecting thereon any lodges for groundsmen, pavilions, refreshment houses, or other buildings to be used for recreational purposes."*
- 6.0 **CONCLUSION**
- 6.1 The proposal falls within the very special circumstances for development in the Green Belt, and by virtue of the siting, scale and design would not harm the openness of the green belt. Officers have had regard to the Public Sector Equality Duty in considering how existing community groups, and those particularly with protected characteristics, would be affected by the proposals, and concluded that equivalent, improved, community facilities can be provided without disadvantaging or limiting opportunities available to specific community groups.
- 6.2 The building retains a suitable relationship with the existing sports and playing fields, and the design maximises use between the two. The step-free access, and 'access to all' changing and wc facilities contribute positively to improved

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access and social inclusion, making the space and sports facilities available to a wider range of community groups.

- 6.3 Subject to conditions securing drainage measures and long-term maintenance, the development would not pose a risk to the hydrology or high ecological value of the lowland fen and associated habitats. Sufficient detail has been provided to demonstrate the development complies with highway, access, parking and residential amenity policies. Subject to conditions, suitable crime prevention measures, tree protection, biodiversity enhancements and a detailed landscaping scheme have been secured as part of the proposals.
- 6.4 The development is in accordance with the National Planning Policy Framework, and the local development plan, including the North Hinksey Neighbourhood Plan. Subject to the conditions listed at the beginning of the report, officers recommend approval of the application.

The following planning policies have been taken into account:

Development Plan Policies

Vale of White Horse Local Plan 2031 Part 1 (LPP1) Policies:

- CP01 - Presumption in Favour of Sustainable Development
- CP03 - Settlement Hierarchy
- CP08 - Spatial Strategy for Abingdon-on-Thames and Oxford Fringe Sub-Area
- CP13 - The Oxford Green Belt
- CP33 - Promoting Sustainable Transport and Accessibility
- CP35 - Promoting Public Transport, Cycling and Walking
- CP37 - Design and Local Distinctiveness
- CP40 - Sustainable Design and Construction
- CP41 - Renewable Energy
- CP42 - Flood Risk
- CP44 - Landscape
- CP46 - Biodiversity

A Regulation 10A review (five-year review) for Local Plan Part 1 (LPP1) has been completed. The review shows that five years on, LPP1 (together with LPP2) continues to provide a suitable framework for development in the Vale of White Horse that is in overall conformity with government policy.

Vale of White Horse Local Plan 2031 Part 2 policies

- DP08 – Community Services and Facilities
- DP16 – Access
- DP21 – External Lighting
- DP23 – Impact of Development on Amenity
- DP27 – Land Affected by Contamination
- DP28 – Waste Collection and Recycling
- DP30 – Watercourses
- DP31 – Protection of Public Rights of Way, National Trails and Open Access Areas
- DP34 – Leisure and Sports Facilities

Neighbourhood Plan

The North Hinksey Neighbourhood Plan was made as part of the district council's development plan on 18 May 2021.

Policy TR1 – Cyclists, Pedestrians & Public Transport Policy

Policy TR2 – Parking, Access and Electric Vehicle Charging Policy

Policy SI1 – Leisure and social facilities

Policy UT1 – Flooding & Groundwater Policy

Policy UT2 – Sustainable Design, Energy Efficiency and Renewable Energy

Policy GS1 – Local Green Spaces

Policy GS2 – Biodiversity, Wildlife Corridors, TPOs and Tree Canopy Cover

Policy GS3 – Locally important views

Supplementary Planning Guidance/Documents

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

Parking Standards for New Developments, supplementary document for the Local Transport and Connectivity Plan (LTCP), adopted July 2022.

VOWH Strategic Flood Risk Assessment (Updated February 2018)

National Planning Policy Framework and Planning Practice Guidance

Para 99 – Open Space and Recreation

Para 180c – Irreplaceable Habitats

Other Relevant Legislation

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 (Public Sector Equality Duty) of the Equality Act 2010.

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