

Application number:	18/02776/FUL		
Decision due by	4th January 2019		
Extension of time	14th February 2019		
Proposal	Retention of temporary classroom for a further 3 years.		
Site address	Emmanuel Christian School, Sandford Road, Littlemore, Oxford – see Appendix 1 for site plan		
Ward	Littlemore Ward		
Case officer	Sarah Chesshyre		
Agent:	Mr Joel Penwarden	Applicant:	Nesbitt
Reason at Committee	The application is before the committee because it was called in by Councillors Tanner, Fry, Rowley, Curren and Tarver because of concerns about the suitability of temporary buildings for the education of children.		

1. RECOMMENDATION

1.1. **East Area Planning Committee** is recommended to:

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

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

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

2. EXECUTIVE SUMMARY

2.1. This report considers an application for the renewal of a temporary permission for a temporary classroom building at Emmanuel Christian School for a period of three years.

2.2. Officers consider that the proposal would be acceptable for a temporary period to provide additional capacity for the school to accommodate increased Early Years provision and to facilitate the development of a long-term solution to the capacity of the existing site. The development would accord with the policies of

the development plan when considered as a whole and the range of material considerations on balance support the grant of planning permission.

2.3. The scheme would also accord with the aims and objectives of the National Planning Policy Framework, would constitute sustainable development, and, given conformity with the development plan as a whole, paragraph 11 advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies.

3. LEGAL AGREEMENT

3.1. A legal agreement is not required for this application.

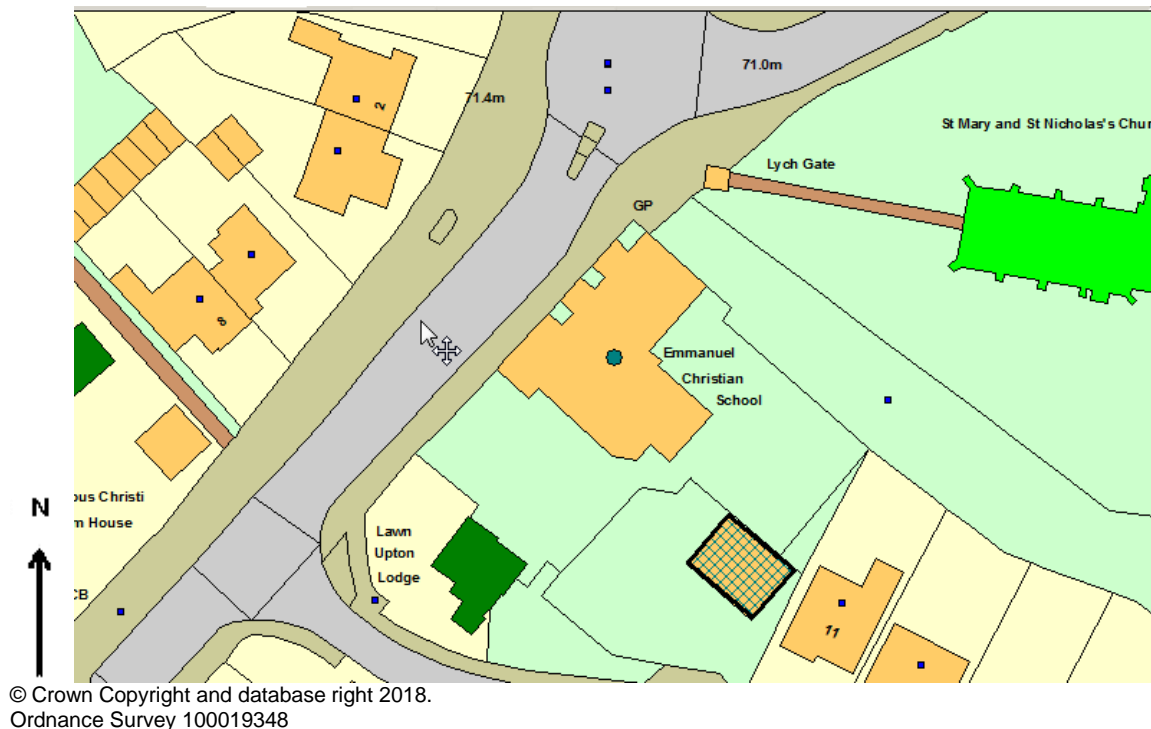
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

5.1. The site is located in the Littlemore ward of Oxford to the south east of the city centre. The site is within the Littlemore Conservation Area, and affects the setting of the Grade II* listed St Mary and St Nicholas' Church and the Grade II listed Lawn Upton Lodge and Lawn Upton House. Emmanuel Christian School is an independent non-denominational school which educates pupils between the ages of three and eleven.

5.2. See site location plan below:



6. PROPOSAL

6.1. Temporary permission for a period of five years was granted in January 2014 for the erection of a temporary classroom building. This application relates to the renewal of this temporary permission for a further period of three years. The application does not propose any alterations to the temporary building, or any alterations to the rest of the site. The classroom has a width of 10 metres, a depth of 7.2 metres and a ridge height of 4.1 metres. The classroom is finished with pebble dash with tiles to the roof.

7. RELEVANT PLANNING HISTORY

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

00/00249/NFH - Erection of temporary building. APPROVED 15th April 2000.

03/00132/TEM - Renewal of temporary consent for building in use as school office and reception (00/00249/NFH). APPROVED 19th March 2003.

81/00476/SON - Retention and continued use of existing 2 double mobile classrooms and toilet block on site. APPROVED TEMPORARILY 27th October 1981.

91/00664/DO - Demolition of part/conversion of school building to 2 dwellings & outline application (seeking approval for means of access only) for 3 detached dwellings & garages. New access road & closure of existing access (Amended Plans).. APPROVED 7th February 1992.

94/01609/NK - Extension of NO/664/91. (Demolition of part school buildings. Conversion to 2 dwellings & outline application (access only) for 3 detached dwellings & garages. New access road & closure of existing access (Amended plans). APPROVED 16th May 1995.

95/00759/U - Application to certify that existing use of building and adj. land for educational purposes is lawful.. APPROVED 5th September 1995.

95/01517/NF - New car park (9 spaces) involving demolition of school lavatory block accessed off proposed new road. Erection of 1.8 metre high close boarded fencing & railings to Sandford Road & on new boundary line south of the Lodge. (Amended plans). APPROVED 8th March 1996.

95/01518/L - Listed Building application for demolition of two external chimney stacks and rebuilding to existing height and profile. APPROVED 13th December 1995.

95/01519/NF - Rebuilding of two external chimney stacks to existing height and profile.. APPROVED 13th December 1995.

07/01291/TPO - Fell scots pine tree (T7) and sycamore tree (T6) standing in the group referenced G.1 on the Oxford City Council, Sandford Road (No. 1) TPO

1991 at Emmanuel Christian School, Sandford Road, Littlemore. APPROVED 16th July 2007.

07/01292/CAT - Fell various ash saplings and a eucalyptus tree in the Littlemore Conservation Area at Emmanuel Christian School, Sandford Road, Littlemore. RAISE NO OBJECTION 16th July 2007.

13/02675/FUL - Erection of temporary classroom in existing car park for a period of 5 - 6 years (Amended Plans). APPROVED 31st January 2014.

13/03157/TPO - Fell 1No. Oak tree identified as T1 on the OCC - Sandford Road (No 1) Tree Preservation Order 1991.. APPROVED 17th January 2014.

16/02213/PDT - Installation of 1no. DSLAM cabinet and 1no. PCP cabinet.. PERMISSION NOT REQUIRED 19th August 2016.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents	Oxford Emerging Local Plan 2036
Design	12	CP1 CP6 CP8 CP10	CS18	HP9		DH1
Conservation/ Heritage	16	HE3 HE7				DH3
Highways		CP1 CP10				M1
Environmental				HP14		H14
Social and community	94					
Miscellaneous	5	CP13 CP25	CS16	MP1	PPG Use of planning conditions	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 20th November 2018 and an advertisement was published in The Oxford Times newspaper on 22nd November 2018.

Statutory and non-statutory consultees

Historic England

9.2. No comments.

Highway authority

9.3. No objection.

Littlemore Parish Council

9.4. Acknowledge need for temporary building to accommodate children. Objection in principle to the long term use of temporary classrooms. Would like to see evidence of work towards a long term solution. Further renewals of temporary permission should be prevented.

Internal Heritage

9.5. Retention of building would have a negative impact on the character and appearance of the Littlemore Conservation Area and would harm the setting of the Grade II Listed Lawn Upton Lodge, and would block views of the Grade II* Listed St Mary and St Nicholas Church.

Public representations

9.6. No third party comments were received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Impact on heritage assets
- Design
- Highways
- Impact on neighbouring amenity

a. Principle of development

Education use

10.2. The National Planning Policy Framework, in paragraph 94, states that local planning authorities should take a proactive, positive and collaborative approach to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight must be given to the need to create, expand or alter schools.

10.3. Policy CS16 of the Oxford Core Strategy seeks to improve access to all levels of education, through new or improved facilities, throughout Oxford, but particularly in areas of population growth. It states that planning permission will only be granted for new education facilities in locations accessible by walking,

cycling and public transport. There are no policies of direct relevance from the Emerging Local Plan.

10.4. The proposed development would make an efficient use of previously developed land on the school site and as such will assist in facilitating the future development of Emmanuel Christian School in order to accommodate increased Early Years provision. The demand for increased Early Years provision has resulted from the introduction of the Childcare Bill 2015 which increases the entitlement of working parents to 30 hours of childcare per week. The school has indicated that they are in the early stages of exploring options for developing a purpose built Early Years centre within the current site, and that the renewal of the temporary permission for a period of three years would enable them to accommodate pupils during the consultation, fundraising and design process for such a development. The proposals are therefore considered to comply with policies CP1 of the Oxford Local Plan and CS16 of the Core Strategy and paragraph 94 of the NPPF.

Provision of temporary buildings

10.5. Temporary permission is sought for a maximum period of three years. Policy CP25 of the Oxford Local Plan specifies that planning permission will only be granted for temporary or portable buildings where short-term need has been clearly demonstrated, such as on sites already allocated for permanent development, buildings to house short-term or trial projects, to meet seasonal or peak demands, for urgent operational requirements, or in connection with major site development work.

10.6. In relation to the above criteria officers consider that a short term need has been demonstrated. Emmanuel Christian School has a current need for increased capacity which needs to be met through temporary facilities until such time as a permanent new Early Years centre has been constructed.

10.7. Officers acknowledge that the temporary building has already been in situ for a period of five years. Information submitted with the first application for temporary permission in 2014 indicated that the building was required on a temporary basis to accommodate a particularly large year 1-2 class as they progressed through the school. The requirement for additional capacity was therefore envisaged as being genuinely temporary, to accommodate additional students for a finite period.

10.8. The school has provided information with this application that identifies new circumstances which have resulted in a need for increased capacity, and therefore for the renewal of the temporary permission.

10.9. While it may have been possible to seek a permanent solution to the capacity of the school during the five year period in which the temporary class room has been in place, officers acknowledge that the grounds on which the temporary permission were initially sought were for a genuinely temporary nature, and that therefore a permanent solution would not have been necessary, and that after this five years had elapsed there would no longer be a requirement for the additional capacity. Officers also acknowledge that the current circumstances

which have resulted in the need for additional capacity are different to those originally requiring the temporary classroom. It is therefore considered justified to renew the temporary permission in order to facilitate the school to achieve a permanent solution. However, given the planning history of the site, it is considered that any further renewals of the temporary permission after the additional three years have elapsed would likely be unacceptable in Officers opinion. Officers also consider that it would be appropriate for the school to demonstrate that work is being undertaken to achieve a long term solution for the site's capacity. An informative has therefore been recommended indicating that further renewals of the temporary permission would be unlikely to be supported.

10.10. On the basis of the above, officers consider that the application has demonstrated a short term urgent operational requirement for the retention of the temporary classroom. Offices also note that the suitability of temporary buildings for the education of children is not a material consideration in making a planning decision. The principle of the temporary classroom should be considered in terms of land uses, as well as in relation to other material considerations set out below relating to the impact of the proposal on heritage assets and the design of the building in terms of visual amenity. The proposals are therefore considered to comply with the requirements of policy CP25 of the Oxford Local Plan 2001-2016.

10.11. Approval would be subject to a planning condition ensuring the removal of the temporary building after a maximum period of three years has elapsed, and an informative indicating that the local planning authority are unlikely to be supportive of any further renewals of the temporary permission.

b. Impact on heritage assets

10.12. The application site is situated within the Littlemore Conservation Area. The temporary building is located to the rear and between Lawn Upton Lodge (grade II listed) and the 19th century stone schoolhouse which is not listed but makes a positive contribution to the Conservation Area. Views of the temporary classroom from within the Conservation Area limited. There are glimpsed views of the classroom from Sandford Road, immediately to the front of Lawn Upton Lodge and the schoolhouse, but these are partially screened by these buildings and also by mature trees on the site. The classroom is most prominently visible from the south side of the school site on David Nicholls Close. However, this part of the Conservation Area is well screened from the surrounding area by mature trees and as the road bends away from Sandford Road to the north. From further in to David Nicholls Close, the classroom obscures views of the church.

10.13. Lawn Upton Lodge (grade II listed) is located within the school site. The temporary classroom causes some harm to the setting of the listed building, although the setting is already compromised by the institutionalisation of the site and in particular car parking and the unsympathetic close boarded fence around the site.

10.14. Lawn Upton House (grade II listed) is located approximately 60 metres to the west of the temporary classroom. Intervisibility between Lawn Upton House and

the classroom is obscured by the dwellings at 8-11 David Nicholls Close. The relationship between Lawn Upton House and Lawn Upton Lodge has been eroded by development in David Nicholls Close, but the temporary classroom would not exacerbate this impact.

10.15. St Mary and St Nicholas Church (grade II* listed) is to the north of the school site. The church is situated within a large graveyard defined by a stone boundary wall and with a lych gate to the west onto Sandford Road. The graveyard is well treed, particularly along the southern boundary shared with the school site. The temporary classroom is located at a distance of approximately 40 metres from the church. The setting of the church is relatively well screened from the temporary building by trees and shrubs and a variety of boundary treatments. Views of the temporary building from the churchyard are mostly glimpsed through existing vegetation. The close boarded fence around the curtilage of 11 David Nicholls Close screens much of the temporary classroom from the east of the churchyard. Closer to the southern boundary of the churchyard the classroom is visible, but is seen in the context of other built form including 11 David Nicholls Close.

10.16. The temporary classroom is considered to cause less than substantial harm to the designated heritage assets. It is acknowledged that the temporary classroom is not suitable as a permanent addition to the site due to its design and impact on heritage assets. However, as outlined above, the granting of temporary permission would provide the school with the additional capacity required to accommodate their increased Early Years provision while a longer term, permanent solution is sought. It should be noted that, due to its temporary nature, any harm caused to heritage assets would also be temporary. The nature of the building is such that, once the temporary permission expires, and the building is removed, it is fully achievable for site to be returned to its former state.

10.17. Regard has been paid to Paragraph 192 of the NPPF in reaching a decision. When applying the test outlined in Paragraph 196 of the NPPF, it is considered that the proposal would cause less-than-substantial harm to the significance of the Conservation Area and Listed Buildings. However, the granting of temporary permission would enable the school to continue to meet demand to provide additional Early Years education. The additional capacity to provide Early Years education is considered a substantial public benefit. Therefore, it is considered that the less than substantial harm would be balanced by the public benefit delivered by the additional classroom capacity made available by the granting of temporary permission.

10.18. The impact of the proposal on designated heritage assets is considered acceptable in terms of policies HE3 and HE7 of the Oxford Local Plan 2001-2016 and the NPPF. Policy DH3 of the Emerging Oxford Local Plan 2036 requires a Heritage Assessment to accompany applications for development which would affect the significance of any designated heritage asset; this policy does not yet have sufficient weight that such a requirement could be made of this application. The emerging policies of the Local Plan can only be attributed limited weight at this time. Nonetheless, the proposal complies with the

requirements for DH3 that state that less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal.

10.19. Special attention has been paid to the statutory test of preserving the listed buildings or their setting or any features of special architectural or historic interest which they possess and the statutory test of preserving or enhancing the character and appearance of the Conservation Area under sections 66 and 72 respectively of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the listed buildings and the character and appearance of the Conservation Area, and so the proposal accords with sections 66 and 72 of the Act.

c. Design

10.20. The temporary classroom is of a functional utilitarian appearance commonly associated with temporary prefabricated buildings. The temporary building would read as secondary to the main school building and Lawn Upton Lodge and it is considered that, within the context of the existing built form, the temporary building would not appear unduly incongruous. However given its appearance, it would only be appropriate to grant permission on a temporary basis and in light of the conclusions drawn above. Such a building due to its appearance would not be acceptable on a permanent basis but regard has been had to the circumstances of the case.

10.21. As such the proposal is considered to be compliant with local plan policies on design and would meet the design requirements set out in section 12 of the NPPF.

d. Highways

10.22. The proposed development would not make any alterations to the existing access arrangements. The Early Years provision of the school operates between 8.25am and 3.00pm. There is a fifteen minute window for dropping off children in the morning between 8.25am and 8.40pm. A proportion of children attend for the morning only and are picked up at 12.15pm. The school has a longstanding and on-going arrangement with the George Inn Public House close to the school site whereby the school have permission to use the pub car park for pick up and drop off.

10.23. While the proposed development would alter the composition of children attending the school, because of the increased Early Years in take, the proposed development would not generate significant amounts of additional movement and the situation would not be materially different from that which currently exists. The temporary classroom was previously permitted to accommodate a particularly large Year 1 class as they progressed through the school. The additional capacity afforded by the temporary classroom would no longer be used for this additional intake, but to accommodate Early Years provision. Comments received from officers at the highway authority indicate that the impact on highway safety and traffic that the proposal would give rise to, assessed in the context of the existing capacity of the highway network, are

considered acceptable. No objection is raised by the highway authority, and officers have indicated that the information provided is sufficient for an application of this nature. However, it is noted that officers consider that, were a full planning application submitted for a permanent addition to the school site to replace the temporary building, more information would be required.

10.24. As such the proposal is considered acceptable in respect of highway safety and complies with policies CP1 and CP10 of the Oxford Local Plan 2001-2016 as well as the NPPF.

e. Impact on neighbouring amenity

10.25. The temporary classroom is located within an existing school site. To the north the school site is bounded by St Mary and St Nicholas church. To the west the site faces directly onto Sandford Road, and to the south it is bounded by David Nicholls Close. The only residential property immediately adjacent to the school is 11 David Nicholls Close, which is situated to the east. The classroom does not have any windows in the west elevation, and there would therefore be no impact of overlooking or loss of privacy to 11 David Nicholls Close. 11 David Nicholls Close benefits from an attached garage to the side, adjacent to the boundary with the school site. The classroom would therefore not result in any loss of light to windows serving habitable rooms at 11 David Nicholls Close. To the north, the classroom does not extend beyond the rear elevation of 11 David Nicholls Close, and there would therefore be no loss of daylight or impact of overbearing to the rear garden of 11 David Nicholls Close. While there is likely to be some noise generated from the classroom, particularly at school break times and at drop-off in the morning and afternoon, it is not considered that the temporary classroom would materially alter this above what is already generated by the existing school site. It is noted that the use of the site as a school pre-dates the erection of the dwelling at 11 David Nicholls Close. The proposal is therefore considered to be acceptable in terms of its impact on neighbouring amenity and therefore policy HP14 of the Sites and Housing Plan and H7 of the Emerging Oxford Local Plan 2036.

11. CONCLUSION

11.1. Having regards to 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 clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. The NPPF recognises the need to take decisions in accordance with Section 38(6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with Paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies

are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.

Compliance with development plan policies

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

11.4. In summary, the proposed development would seek to make an efficient use of previously developed land by providing a temporary solution to capacity at the school site, and would help to facilitate the future redevelopment of the site and further improve the efficiency of the use of land on the school site. The retention of the classroom for a further three years would provide additional capacity for Emmanuel Christian School and is supported by policy CS16 of the Core Strategy. Officers consider that a short term need has been demonstrated and that the granting of temporary permission is justified in accordance with policy CP25 of the Oxford Local Plan 2001-2016. The proposal is considered acceptable in terms of highway safety and policies CP1 and CP10 of the Oxford Local Plan 2001-2016, and in terms of its impact on neighbouring amenity and HP14 of the Sites and Housing Plan. It is acknowledged that the design of the classroom is not suitable as a permanent addition to the school site, although its utilitarian appearance is not considered to be sufficiently harmful that temporary permission would be considered unacceptable, and is therefore acceptable in terms of policy CP1, CP6 and CP8 of the Oxford Local Plan 2001-2016, CS18 of the Core Strategy and paragraph 127 of the NPPF. It is also acknowledged that the proposals would cause less than substantial harm to designated heritage assets. However, weighed against the public benefit of providing additional Early Years capacity the impact is considered acceptable in terms of policies HE3 and HE7 of the Oxford Local Plan 2001-2016, DH3 of the emerging Oxford Local Plan 2036 and paragraphs 192 and 196 of the NPPF.

11.5. Therefore officers consider that the proposal would accord with the development plan as a whole.

Material Considerations

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

11.7. National Planning Policy: The NPPF has a presumption in favour of sustainable development which should be viewed as the golden-thread running through decision taking.

11.8. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits

when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.

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

11.10. Officers would advise members that, having considered the application carefully, including all representations made with respect to the application, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, and the emerging Local Plan 2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.

11.11. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in Section 12 of this report.

12. CONDITIONS

1 This permission shall be for a limited period of three years only from the date of this decision when the use hereby permitted shall be discontinued and the building and works carried out under this permission shall be removed. The land shall be reinstated to its former condition within 6 months of the date of its removal.

Reason: The temporary nature of the building(s) is such that it is considered inappropriate on a permanent basis and to enable the Local Planning Authority to assess the impact of this use on the surrounding area in accordance with CP1, CP25 and the other relevant policies of the Adopted Oxford Local Plan 2001-2016.

13. INFORMATIVES

1 The development hereby permitted is for a temporary period of three years only. Oxford City Council considers that it is appropriate to grant permission to renew the original temporary permission (which was for a period of five years) in order to facilitate the development of a long term solution for school capacity on the site. As such, any further applications to renew this temporary permission are unlikely to be supported, and the Council would expect to see evidence that a long term solution is being sought.

14. APPENDICES

- **Appendix 1 – Block plan**

15. HUMAN RIGHTS ACT 1998

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

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

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