

East Area Planning Committee

2nd October 2019

Application number: 19/01444/VAR

Decision due by 29th July 2019

Extension of time 9th October 2019

Proposal Variation of condition 1 (Temporary consent for buildings) of planning permission 16/01048/VAR (Variation of condition 1 (Temporary consent for buildings) of planning permission 13/00380/VAR to extend the temporary planning permission by a further 3 years.) to allow permission of the temporary building consent to be extended to enable more time to raise funds to build permanent premises.

Site address The Peep Centre, The Oxford Academy Campus, Sandy Lane West, Oxford – see **Appendix 1** for site plan

Ward Littlemore Ward

Case officer Tim Hunter

Agent: N/A **Applicant:** Ms Janet Sly

Reason at Committee The application has been called in by Councillors Tanner, Taylor, Fry, Munkonge and Linda Smith because of the significance of this pre-school facility in Littlemore.

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 and informative set out in section 12 of this report.

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

- finalise the recommended conditions and informative 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 relates to part of the Oxford Academy and a proposal to retain two temporary modular buildings for use as ancillary space for the Peep Centre.

- 2.2. Originally known as “Peers Early Education Partnership”, then the Peep Centre, Peep is an independent charity which is a provider of mainly pre-school services, working to improve the life chances of children in the areas of Blackbird Leys, Greater Leys, Rose Hill and Littlemore. The Peep Centre, to which this application relates, provides office and support space for the various activities of the charity. NB. The application is for a variation to an existing planning permission, granted to the buildings under their previous name, the Peep Centre and indeed the application has been submitted under the name Peep Centre.
- 2.3. The two modular buildings are located towards the south western edge of the site, having been granted various temporary permissions since at least 2008, when the site was in control of Oxfordshire County Council as the Local Education Authority. The proposal therefore fails to comply with Policy CP25 of the adopted Oxford Local Plan, whose accompanying text states that the City Council will not support continued requests to renew permissions for temporary buildings.
- 2.4. This conflict needs to be balanced against the benefit of and the need for the buildings. There is little or no doubt that “Peep”, which includes the Little Peep Nursery on the Academy site; Peep pre-school at the Dovecote Centre in Greater Leys and also Peep Learning Ltd, does valuable and important work in supporting parents and children to learn together to improve school readiness and ultimately raise educational attainment and life outcomes for children, many of whom would not have access to this support elsewhere.
- 2.5. The applicants state that the construction of new, permanent office building space to replace the existing modular buildings remains a priority, have engaged the services of a professional fundraiser and will be starting on this fundraising initiative within the current financial year. The process of planning, fundraising and developing the new offices is expected to take up to five years.
- 2.6. On balance, and having regard to the high level of support that the Peep centre provides to children in the area, retention of the buildings in the short term, will not create or continue a level of harm that would justify a refusal of planning permission.
- 2.7. However, due to the temporary nature of the buildings, their poor design quality and conflict with policy CP25 given they have been in situ for more than 10 years, it is considered necessary and reasonable to limit the further period of time to 18 months rather than the three years requested, so that the situation can be monitored and reviewed at an appropriate period.
- 2.8. It is therefore recommended that the Committee resolve to grant planning permission for the development proposed subject to a condition limiting the period of permission to 18 months to encourage the applicants to consider and achieve funding for a more permanent alternative building in accordance with policy CP25 of the OLP and to ensure the development complies with policies CP1, CP8 of the OLP and policy CS18 of the Core Strategy.

3. LEGAL AGREEMENT

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

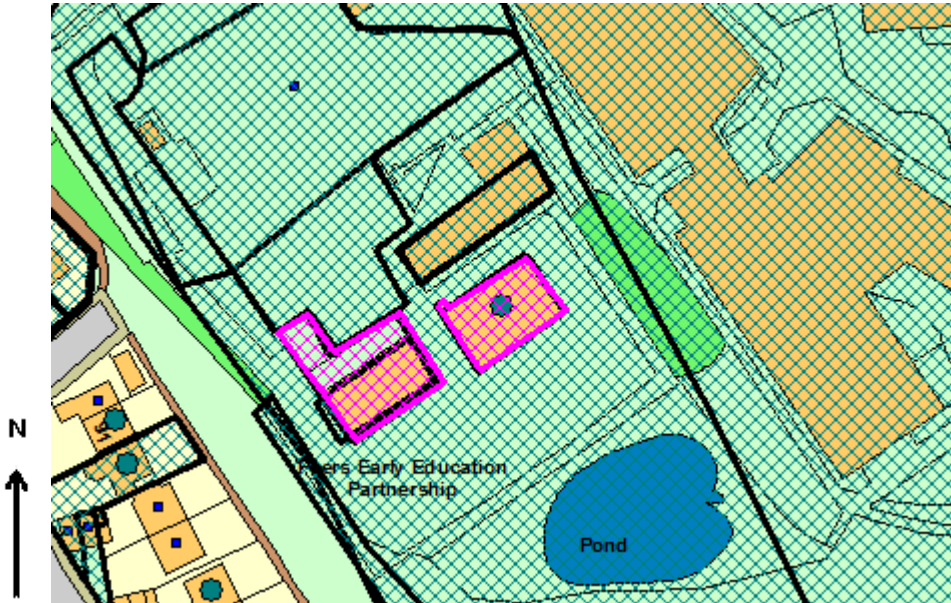
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL contributions.

5. SITE AND SURROUNDINGS

5.1. The site is located within part of the Oxford Academy in Littlemore. To the north and east of the site are the main buildings and grounds of the Academy, to the south is a car park and school grounds, whilst to the south west are residential properties around Alice Smith Square.

5.2. See block plan below:



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6. PROPOSAL

6.1. The application proposes the retention of two modular buildings for a period of three years for use as offices related to the Peep Pre-school at the Dovecote Centre in Greater Leys and the Little People Nursery on the Academy site in Littlemore.

7. RELEVANT PLANNING HISTORY

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

<p>13/00380/VAR - Variation of condition 2 (temporary permission) of planning permission 08/00156/CC3 (Oxfordshire County Council permission) to extend the temporary planning permission by a further six years.. Approved 7th May 2013.</p> <p>16/01048/VAR - Variation of condition 1 (Temporary consent for buildings) of</p>

planning permission 13/00380/VAR to extend the temporary planning permission by a further 3 years.. Approved 31st May 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	Neighbourhood Plans:
Design	Para 127 and 130	CP1, CP8, CP10, CP25	CS18	MP1, HP9, HP14		
Social and community	Para 92 and 94		CS16			
Other		CP25 (Temporary Buildings)				

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 11th June 2019.

Statutory and non-statutory consultees

Littlemore Parish Council:

9.2. The People Centre is a valued local facility. Littlemore Parish Council supports this application.

Public representations:

9.3. No representations received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Visual impact
- Neighbouring amenity

a. Principle of development

10.2. Policy CP25 of the OLP states that 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. For the purposes of this Policy, short term is defined as up to

five years. The accompanying text makes it clear that the City Council will not support continued requests to renew permissions for temporary buildings.

- 10.3. The two buildings have been on the site since at least 2008, when permission was granted under 08/00156/CC3 by Oxfordshire County Council as (at the time) the Local Education Authority for the former Peers School.
- 10.4. There is therefore a clear conflict with Policy CP25, in that the buildings have been in situ for over a decade, the use is not temporary or seasonal and the buildings have been subject to continued requests to renew permissions.
- 10.5. This conflict needs to be balanced against the benefit of and the need for the buildings. There is little or no doubt that “Peep”, which includes the Little Peep Nursery on the Academy site, Dovecote Centre in Greater Leys and also Peep Learning Ltd, does valuable and important work in supporting parents and children to learn together to improve school readiness and ultimately raise educational attainment and life outcomes for children, many of whom would not have access to this support elsewhere. These buildings essentially provide the back office space for these facilities.
- 10.6. Members are advised that the application is accompanied by a supporting statement that states among many other points: The Peep Learning Together Programme makes a difference. An evaluation by the University of Oxford showed that the Peep Programme had significant positive effects on quality of parenting and on children’s cognitive and social/emotional development. Peep also continues to provide a range of front-line support to local families including Peep groups for parents and children, antenatal groups, outreach, drop-in sessions and transition sessions to school/pre-school as well as the Peep Imagination Library which provides a free book per month to all children under 5 living on The Leys (a library of 60 books for each child).
- 10.7. The supporting statement also sets out the circumstances around the continued need for the buildings. This statement advises that it was intended to provide office space as part of the Littlemore nursery. However, whilst the nursery has now been built, the project faced a number of difficulties, including escalating costs after the original contractor went out of business. Construction of new, permanent office building space remains a priority for Peep, who have engaged the services of a professional fundraiser and will be starting on this fundraising initiative within the current financial year. The process of planning, fundraising and developing the new offices is expected to take up to five years. Permission has been sought for three years because it was felt such an application was more likely to succeed than one for five years.
- 10.8. Officers consider that the decision on this application must therefore be made on balance. There is clearly a conflict with the Local Plan, but it is also clear that the buildings provide an important social function. Regard must therefore be had to the other material planning considerations below and which further assess the proposals in light of policy CP25 of the OLP and the need advocated.

b. Design

- 10.9. Oxford City Council requires that all new development should demonstrate high quality urban design where the siting, massing and design creates an appropriate visual relationship with the built form of the local area. The Local Development Plan provides policies to support this aim and CP1, CP8, CS18 and HP9 are key in this regard. Regard must also be had to policy CP25 in terms of the design.
- 10.10. Whilst of some age and no architectural merit, the buildings remain in a reasonable condition and are not visible from the road, although a footpath runs along the south west of the site, behind which are the gardens of a number of dwelling houses on Alice Smith Square. Fencing and a limited amount of vegetation screen the site to some degree from the houses, which are sited in excess of 25 metres from the nearest part of the buildings.
- 10.11. Nonetheless the buildings are of a modular, temporary form which are of a poor design quality and Officers would not permit such buildings on a permanent basis due to this and their appearance. Due to the design and temporary nature, Officers would only consider granting planning permission on a limited basis. As the buildings have been in situ for in excess of 10 years, the 3 years requested is felt unreasonable in light of the policy conflict with CP25 of the OLP. It is considered more reasonable and appropriate to grant a temporary planning permission for a further 18 months. This will enable the Council to monitor and review the situation on a more frequent basis in terms of the quality and condition of the buildings as well as the justification put forward for their retention to ensure adequate progress is being made to find an alternative. If progress is not being made to find a permanent solution then the Council can review its position in light of the policy conflict with CP25 of the OLP. Nonetheless this takes into account the need for the buildings in the shorter term and is felt by Officers to balance the competing issues and offer a suitable compromise.

c. Impact on neighbouring amenity

- 10.12. Oxford City Council requires development proposals to safeguard the privacy and amenities of adjoining occupiers and policies CP1 and CP10 support this aim.
- 10.13. The buildings do not lead to overbearing or overshadowing of adjacent properties due to the intervening distances. Given this and the positioning within the site, there is no overlooking. The buildings retention is considered unlikely to have a material effect on adjacent occupiers, in accordance with policies CP1 and CP10.

11. CONCLUSION

- 11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

- 11.2. In the context of all proposals Paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 11.3. On balance, and having regard to the justification put forward and the social function the People centre provides, retention of the buildings in the short term, will not create or continue a level of harm that would justify a refusal of planning permission.
- 11.4. However, due to the temporary nature of the buildings, their poor design quality and conflict with policy CP25 given they have been in situ for more than 10 years, it is considered necessary and reasonable to limit the further period of time to 18 months rather than the three years requested, so that the situation can be monitored.
- 11.5. Therefore, the proposals are considered to comply with national and local policies and Paragraphs 11 of the NPPF, in that the adverse visual impacts would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 11.6. It is therefore recommended that the Committee resolve to grant planning permission for the development proposed subject to a condition limiting the period of permission to 18 months to encourage the applicants to consider and achieve a more permanent alternative building in accordance with policy CP25 of the OLP and to ensure the development complies with policies CP1, CP8 of the OLP and policy CS18 of the Core Strategy.

12. CONDITION

- 1 This permission shall be for a limited period of 18 months only, expiring 18 months after the date of planning permission being granted when the building(s) and works carried out under this permission shall be removed and the land reinstated to its former condition to the satisfaction of the Local Planning Authority unless prior to that date a renewal of the permission shall have been approved in writing by the Local Planning Authority.

Reason: The temporary nature of the building(s) is such that it is considered inappropriate on a permanent basis in accordance with policies CP1 and CP25 of the Adopted Oxford Local Plan 2001-2016.

INFORMATIVE :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants

towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

13. APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – SUPPORTING STATEMENT

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 2 – Supporting statement



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Planning application to Oxford City Council for The Peep Centre

To vary condition 1 of 16/01048/VAR

Statement in support of planning application

1. The Charity Peep

- Peep (originally called 'Peers Early Education Partnership') was established in 1995 by Bernard Clarke, then Head Teacher of Peers School, and school governor, Mike O'Regan. Its aim was to improve the life chances of children in the school's catchment: Blackbird Leys, Greater Leys, Rose Hill and Littlemore. This remains a core mission of our charity.
- We now have a 24-year track record in developing and delivering services for families in the area, working in partnership with parents, local professionals (e.g. health visitors and midwives) and settings (e.g. pre-schools and schools). We have worked with over 13,000 families just in these four wards.
- Peep works with families with children under five to improve school readiness and ultimately raise educational attainment by empowering parents and carers to make the most of the day-to-day learning opportunities at home such as talking, listening, playing, singing and sharing books.
- The Peep Learning Together Programme makes a difference. An evaluation by the University of Oxford showed that the Peep Programme had significant positive effects on quality of parenting and on children's cognitive and social/emotional development. A new evaluation, currently being carried out by Queen's University Belfast, and funded by the Education Endowment Foundation, is the largest study of a parenting programme yet to be carried out in the UK.
- Over the last three years we have provided Peep groups for foster carers and their looked after children funded by the local authority. This is the only funding we have received from Oxfordshire County or City Councils during this period apart from place funding for two and three year olds at our Peep Pre-school and, since autumn 2018, our Little Peep Nursery (see below).
- However, we have continued to provide a range of front-line support to local families including Peep groups for parents and children, antenatal groups, outreach, drop-in sessions and transition sessions to school/pre-school. We also provide the Peep Imagination Library which provides a free book per month to all children under 5 living on The Leys (a library of 60 beautiful books for each child).
- Peep has raised the entire funding for this front-line work by donations from trusts and foundations and through a grant from the Department of Education. Fundraising is expensive and time-consuming. However, we are committed to continue our support for local families as they

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struggle to cope in the absence of children's centre provision. We also train practitioners from Oxfordshire in the Peep Learning Together Programme at a subsidised rate (see below).

- We run the Peep Pre-school at the Dovecote Centre in Greater Leys and the Little People Nursery in Littlemore (see below). They provide early learning and childcare for local families including a high proportion of eligible two-year olds, children in receipt of the Early Years Pupil Premium and children with a Special Educational Need or Disability (SEND). It is our intention to ensure that these settings breakeven; it is not reasonable to expect that high quality, small-scale child care provision in areas of disadvantage will generate any surplus.
- We also have a trading arm: we provide accredited Peep Learning Together Programme courses to approximately 800 practitioners per year across the UK including regular courses in Oxfordshire attended by local practitioners. This provides us with a modest earned income to innovate new work which can be piloted in the local area and allows us to plan for future developments. The national training is administered from the People Centre alongside our local delivery services.

2. Why we need a transitional arrangement

- In 2015, we embarked on a project to build a new child care facility on site of The Oxford Academy (Little People Nursery). The project, in collaboration with The Oxford Academy, was initiated in response to a request by Oxfordshire County Council (OCC) for additional settings to meet the urgent need for additional places for funded two-year olds and the new 30-hour funding for three- and four-year olds in order to meet their statutory obligations. OCC provided a generous grant and People raised additional funds to enable the nursery to also cater for babies and one year olds.
- Our intention was to include office space in addition to the nursery on the nursery site. However, the project faced a number of difficulties, including escalating costs after the original contractor went out of business. We therefore decided our priority was to deliver on the agreement with OCC and provide high quality early education and childcare for the local families and for staff at the school and a facility that could be used by the wider community. We would then seek additional funding to build permanent offices adjacent to the nursery as soon as practicable.
- After a protracted development project, the nursery finally opened its doors in October 2018. It was opened officially by Anneliese Dodds (MP) on 11th May 2019. The building is owned by TOA with a 20 year lease granted to People.
- The project came at a cost to People, both financially and in staff time and we simply have not had the capacity to work on fundraising and development plans for a new office building at the same time.
- Our plans for the next three years include securing funds for the capital costs of new office premises. We remain of the view that our location on the Oxford Academy campus is our best option to:
 - Enable us to continue to deliver quality early intervention services to the local community - we have ongoing projects in the Blackbird Leys, Greater Leys and Littlemore which are crucially important now that our children's centres have closed
 - Minimise travel time to families in the local area and associated air pollution

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- o Provide an office base and meeting space for our practitioners, partner professionals, support staff and training administrators
- The experience of the last 3 years tells us that it will take time to do this and that we would need to allow at least 3 years (ideally 5 years) to plan, fundraise and develop new offices and that during this period the most practical option is to stay in our current premises, which although 'temporary' in nature are in good condition with a design life of 25 - 35 years.
- We have engaged the services of a professional fundraiser and believe that the track record and reputation of our charity puts us in a good position to raise the funds for a new building and will be starting on this initiative within the current financial year
- We have looked into relocating to rented premises but the cost of this would impact seriously on our continued financial viability (and even existence), may well take us out of the community we serve, and would result in serious disruption and increased costs to the services we deliver to the local community at a time when provision for 0-5's is increasingly under pressure due to the closure of children's centres.

3. History of our occupation of the site

Soon after Peep was established in 1995, we were granted free use of office space on the Peers School campus, in the Horsa Building and the Fred Halliday Building.

In 1999 the County donated two small second-hand portacabins to Peep for use as two additional offices, a meeting room and a room for Peep groups. The floor area of both combined was less than half one of our current cabins. Planning permission was granted by the County. The planning authority was the County because it was on County land and for educational services to benefit the community.

In 2001, aided by a grant from Garfield Weston Foundation, Peep bought the first of our two completely refurbished pre-owned modular buildings ("Cabin A") from Rollalong with an expected design life of 25 to 30 years. Peep then vacated the Peers School Horsa Building and the original donated portacabins were removed from site.

In 2003, Peers School asked us to vacate our remaining offices on school premises as they needed the space and we purchased Cabin B which was occupied from January 2004. This was also a completely refurbished pre-owned modular building with an expected design life of 30 to 33 years. We obtained amended planning permission for five further years up to 2008 for both Cabins.

Oxfordshire County Council renewed our planning permission in April 2008 for a further five years and in August 2012, Council granted us a new lease for occupation of the site for a further six years ending August 2018. This lease was then transferred to The Oxford Academy in September 2018 when they entered into a long-term lease with the County for the entire Academy site. The Academy are currently in the process of issuing a further 6 year lease to People, expiring in 2024.

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4. The buildings themselves

- The buildings are re-furnished pre-owned modular buildings which have a 25 - 35 year design life when new (this can be extended by refurbishment). We have been advised that currently Cabin A has a remaining design life of 7-12 years and Cabin B has a remaining design life of 15-18 years.
- Parking is more than adequate: there are always spaces free in the car park which is shared with small number of Oxford Academy staff (most park in the main Oxford Academy car park on the other side of the campus).
- The access road has less traffic now than before the Oxford Academy development, as less school vehicles use it; nearly all deliveries and school drop offs/pick ups now take place at the Sandy Lane West main entrance. In particular, access to the Mabel Pritchard special needs unit has transferred to the Sandy Lane West entrance. A 'park and stride' route has been established for parents driving to the Little Peep Nursery to avoid any extra traffic being generated.
- The buildings are not close to any other buildings, apart from Littlemore Rugby Club to which full access has been maintained.
- The buildings are screened by trees and shrubs from the nearby housing estate.
- There is a small garden which is used by staff in the summer; this includes a mature cherry tree which will be maintained.
- The buildings are fully insulated and double glazed. There is no need for any additional noise insulation as there is no loud machinery and no noisy activities take place on the site.
- The buildings have full disabled (wheelchair) access.
- The external appearance of the buildings in general is neat and tidy, although some repairs and maintenance will be carried out, providing planning permission is approved, to enhance the overall impression and maintain the buildings in good repair until our permanent building is built.
- No other development is currently planned for the site.

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