

# Minutes of a meeting of the PLANNING REVIEW COMMITTEE on Monday 15 October 2018

www.oxford.gov.uk



## Committee members:

Councillor Fry (Chair)	Councillor Munkonge (Vice-Chair)
Councillor Altaf-Khan	Councillor Azad
Councillor Goddard	Councillor Malik
Councillor McManners	Councillor Linda Smith
Councillor Taylor (for Councillor Djafari-Marbini)	

## Officers:

Adrian Arnold, Acting Head of Planning Services  
Andrew Murdoch, Development Management Service Manager  
Sally Fleming, Lawyer  
Catherine Phythian, Committee Services Officer  
Anita Bradley, Monitoring Officer  
Nadia Robinson, Principal Planning Officer

## Apologies and substitutions:

Councillor Djafari-Marbini sent apologies and Councillor Taylor substituted.

## 6. Declarations of Interest

Cllr Altaf-Khan - declared he had children attending the Cherwell School, but that he approached the application with an unbiased open mind and would listen to the arguments and weigh the evidence before making a decision.

Cllr Azad - declared that while she was a signatory to the call-in of the application she approached the application with an unbiased open mind and would listen to the arguments and weigh the evidence before making a decision.

Cllr Fry - declared he had a grandchild attending the Cherwell School, but that he approached the application with an unbiased open mind and would listen to the arguments and weigh the evidence before making a decision.

Cllr Goddard - declared he had children attending the Cherwell School, but that he approached the application with an unbiased open mind and would listen to the arguments and weigh the evidence before making a decision.

Cllr McManners - declared that while he was a signatory to the call-in of the application and had children of school age, he approached the application with an unbiased open mind and would listen to the arguments and weigh the evidence before making a decision.

Cllr Munkonge - declared he had a child attending the Cherwell School, but that he approached the application with an unbiased open mind and would listen to the arguments and weigh the evidence before making a decision.

Cllr Linda Smith - declared that while she was a signatory to the call-in of the application and had children at the Cherwell School and St Nicholas Primary School, she approached the application with an unbiased open mind and would listen to the arguments and weigh the evidence before making a decision.

## **7. 18/01173/FUL: "Swan School", The Harlow Centre, Raymund Road, Oxford, OX3 0PG**

The Committee considered an application (18/01173/FUL) for planning permission for the demolition of existing buildings on the Harlow Centre site and their replacement with a new two-storey education facility, associated parking and external play areas for Meadowbrook College; the erection of a new secondary school in the form mix of one and three-storey buildings together with provision of a new access from Marston Ferry Road, associated car and cycle parking along with formal and informal play and sport provision; and the erection of a multi-use games area (MUGA) and eco-shelter for St Nicholas Primary School. (Amended description; amended plans and additional information; and further amendments received 25.09.2018)

The application has been called in to the Planning Review Committee by Councillors Tanner, Simm, Turner, Linda Smith, Azad, McManners, Pressel, Chapman, Howlett, Kennedy, Henwood and Cook for the following reasons:

- The first application was refused by 4 votes to 3, with 2 abstentions. The second application was refused because the first had fallen. It would be sensible to reconsider both given the closeness of the first vote.
- The need for another secondary school in Oxford is urgent and no other options are available. Considerable mitigation steps were proposed to limit the quite small intrusion into the Green Belt and to preserve the priority and safety of the cycle track on the Marston Ferry Road.

Chanika Farmer (Oxfordshire County Council Principal Transport Planner) and Anthony Kirkwood (Oxfordshire County Council Highways road safety expert) accompanied officers at the table.

The Planning Officer presented the report and informed the Committee of changes since the meeting of the East Area Planning Committee:

- the applicant had submitted some minor amendments and points of clarification to the application - the removal of 10 car parking spaces from Swan School car park; additional information about the proposals for the landscape bund

landscape impact; and the number of cycle and vehicle movements forecast in the 8:30-8:50 morning slot when the gates would be open

- the applicant had also submitted an assessment of the Harlequins rugby club site as an addendum to the site selection document. This was received after publication of the committee report. The document sets out various issues with the site, the most pertinent being that the site is part of Cherwell School playing fields and is too small to accommodate playing fields for two secondary schools and the buildings for a new secondary school
- A petition in support of the application with 997 signatures had been received.
- A further petition with 301 signatures, objecting to the current application and proposing the Harlequins Rugby Club site as an alternative, had been handed in by Oxford City Councillor Mick Haines at the start of the meeting. That petition was out of time, undated and unnumbered but would be recorded as an objection.
- since the amended application was advertised and the committee report published, there had been 38 further representations with 13 opposing, 23 supporting and two neither supporting nor opposing. The new points raised were:
  - Traffic problems would be moved elsewhere if parents have to drive pupils to other schools
  - Impact on pupils travelling to schools outside Oxford
  - Too much car parking encouraging staff to travel by car
  - Loss of 10 parking spaces with revised plans leading to overspill parking
  - Cycle path crossing better than or similar to that at Cherwell
  - St Nicholas primary school fencing should be reinforced and not be visually permeable
  - Air quality concerns
  - Northern Gateway should be considered for a secondary school
  - Delay to a new secondary school and loss of education funding if this application is rejected
  - Traffic capacity on Oxford Road
- Further submissions from members of the public, received after the close of the consultation, included a suggestion for a different site access; observations on new housing locations and birth rates; and data from a traffic count undertaken by the public. The Committee was reminded of the requirement to consider the access proposal in the application; that the evidence base for the need for the school places is substantiated by the local education authority; and that the figures in the traffic count were broadly in line with those in the planning application.

In conclusion the Planning Officer made the following points:

- **Need:** the NPPF requires local planning authorities to give great weight to the need to create, expand or alter schools. This application is proposing one new school to meet the urgent need for secondary school places in the city, and another fit-for-purpose school building for the Meadowbrook alternative provision unit.

- **Green Belt:** The case for very special circumstances to allow development in the Green Belt is strong; its evidence base is a thorough landscape and visual impact assessment. The level of harm to the green belt is low. The great weight given to the need for the two schools outweighs the great weight given to the low-level, localised impact on the Green Belt.
- **Highways:** the NPPF says that applications should only be prevented or refused on highways grounds if there would be an *unacceptable* impact on highway safety, or the residual cumulative impacts on the road network would be *severe*.
- To refuse the application, any adverse impacts identified would have to significantly and demonstrably outweigh the overall benefits of the scheme.

The Legal Adviser referred the Committee to paragraph 6.5 of the officer's report and said that City Council had sought leading counsel's advice with respect to the application. She explained that if the Committee wished to hear that legal advice they would need to do so in private session so that legal professional privilege could be maintained in any potential legal proceedings.

The Chair extended the time for public speaking to 10 minutes for those speaking against, and an equal time for those speaking in support of, the application.

#### **Speaking against the application:**

- Oxford City Councillor Mary Clarkson, local ward councillor
- Simon Banks, Cherwell School Travel Action Group
- Anthony Baker, local resident
- Anuj Bhatt, local resident
- Michael Chambers, local resident
- Simon Hunt, Chair of Cyclox
- Darrell Ross, local resident
- Councillor Dr Peter Williams, representing Old Marston Parish Council

In summary they raised concerns about the location being inappropriate; safety of cyclists on the cycle path at peak times; destruction of the continuity of the cycle path; congestion on surrounding roads and in the wider area; harm to the Green Belt; the inadequacy of the construction management travel plan and the school travel plan; and put forward proposals for alternative access arrangements and the provision of a cycle underpass.

#### **Speaking in support of the application:**

- Dr Amanda Kerr, parent
- Barbara Chillman, Oxfordshire County Council
- Nicola Partridge, headteacher, Meadowbrook School
- Kay Wood, prospective headteacher, Swan School
- David Hurren (Robert West civil engineering and transport planning)

In summary they set out the need for a new secondary school in the city; the educational vision for the school; the commitment to a safe environment and to the proactive management of a detailed and deliverable travel plan; the wider positive impact that the new school would deliver for the pupils and staff at Meadowbrook School.

**Registered as available to answer questions/ points of clarification in support of the application:**

- Graham Wilson, Galliford Try construction company
- Simon Beaumont-Orr, ADP Architects
- Paul James – River Learning Trust
- Natasha Ireland , JPPC

The Chair moved, and Councillors McManners and Malik seconded, a motion to move to private session.

On being put to the vote the Committee agreed the resolution as set out below.

*The Committee resolve pursuant to section 100A of the Local Government Act 1972 to exclude the public from this part of the proceedings relating to this item on the agenda as they wish to consider legal advice\* which is exempt information under paragraph 5 of Schedule 12A of the Local Government Act 1972.*

*\*(to which legal professional privilege could be maintained in legal proceedings)*

Members of the public, press and the Oxfordshire County Council representatives left the chamber at 7.00pm.

### **PRIVATE SESSION**

For the benefit of the public and press the Legal Adviser explained that during the private session the Committee had been briefed on the advice received by leading Counsel on the reasons for refusal given by the East Area Planning Committee.

### **PUBLIC SESSION**

Members of the public, press and the Oxfordshire County Council representatives returned to the chamber at 7.30pm.

During questions, and in debate, the Committee focussed on the following issues but was not confined to:

- **Travel Plan:** officers confirmed that the Travel Plan would be secured by legal agreement and would provide for annual reviews with site visits by the County Council for a period of 6 years. The legal agreement would tie the school into a further 6-year review period if the targets are not met. The City Council could take enforcement action at any time if the Swan School was found to be in breach of the agreement.
- **Cycle Subway:** officers advised that the provision of a new cycle subway or diversion of the cycle path to the existing underpass nearby was not considered

necessary; the Highways Authority did not support the provision of cycle subways due to concerns about personal security and creating an inhospitable environment; the construction of a new underpass would have knock on consequences for the landscaping and visual impact of the development.

- **Bund groundworks and speed limit reduction:** officers explained that the groundworks to reduce the height of parts of the bund would be carried out as part of the s278 process. The s106 legal agreement would secure a reduction of visibility splays and works to the bund should a change in speed limit be implemented. The proposed change to the speed limit was a separate process and subject to public consultation. Officers could not give the Committee any guarantees on the outcome or timing of that process or any assurance that the two matters would be progressed sequentially. However, the legal agreement would require retrospective action to ensure that the bund was re-instated if the speed limit was reduced. Officers undertook to include an informative or write to the Highways Authority encouraging them to consider the matter quickly and in the context of the groundworks for the bund.
- **Boundary fencing:** although the proposed fencing between the Swan School and St Nicholas Primary School met the required standards for educational premises it was felt that there would be benefits to the pupils of both schools if the fencing was of a similar specification to that which was proposed for the boundary between the Swan School and Meadowbrook School.

The Committee considered all the evidence before it, including the officer's report and presentation, statements from the speakers, answers to questions and advice from officers.

In determining the application members of the Committee were persuaded by the arguments presented in support of the traffic mitigation measures and were satisfied that there was a demonstrable need for a new secondary school and that the public benefit outweighed the harm caused to the Green Belt. In conclusion the Committee stressed that officers would need to be vigilant in monitoring and enforcing the Travel Plan.

A motion to approve the application with an additional condition, that the boundary fence between the Swan School and St Nicholas Primary School should be of a similar standard to the boundary fence between the Swan School and Meadowbrook School, was moved and seconded.

On being put to the vote the Committee agreed with the officer recommendation to grant planning permission.

#### **The Planning Review Committee resolved to:**

1. **approve the application** for the reasons given in the report and subject to
  - i. the satisfactory completion of a legal agreement(s) and/or unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report;

- ii. the 37 required planning conditions and 10 informatives set out in section 8 of this report and the addition of a further condition on the specification of the boundary fence<sup>8</sup> and 9 of this report and the addition of a further condition that the boundary fence between the Swan School and St Nicholas Primary School be of a similar standard and form to the Meadowbrook new boundary fence
- iii. confirmation from the Secretary of State that the application is not required to be 'called in' in accordance with The Town and Country Planning (Consultation) (England) Direction 2009;

**and grant planning permission;**

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

- i. consider and deal with any new material planning considerations that may be raised through public consultation up to 18 October 2018 including deciding whether it is necessary to refer the application back to the committee prior to issuing the permission;
- ii. finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary; and
- iii. finalise the recommended legal agreement or unilateral undertaking under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Acting Head of Planning Services considers reasonably necessary; and
- iv. issue the planning permission.

## **8. 18/01697/FUL: Temporary buildings at The Harlow Centre, Raymund Road, Oxford OX3 0PG**

The Committee considered an application (18/01697/FUL) for planning permission for the partial demolition of the existing Meadowbrook College buildings and erection of modular units to provide a temporary education facility for Meadowbrook College, including the provision of an external play area to the south of the modular units to be enclosed by a 3.0 metre high rebound fence for a period of no more than two years and other associated works.

The Planning Officer presented the report.

In reaching its decision, the Committee considered all the information put before it.

On being put to the vote the Committee agreed with the officer recommendation.

**The Planning Review Committee resolved to:**

1. **approve** the application for the reasons given in the report and subject to the required planning conditions set out in section 8 of this report; and grant planning permission;
2. **delegate authority** to the Acting Head of Planning Services to finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary and issue the planning permission.

## **9. Minutes**

The minutes of the meeting held on 20 August 2018 were agreed as a true and accurate record.

## **10. Date of Future Meetings**

The Committee noted the dates of future meetings, if required.

**The meeting started at 6.05 pm and ended at 8.40 pm**

**Chair .....**

**Date:**