

**East Area Planning Committee**

-5th February 2013

**Application Number:** 12/02935/FUL

**Decision Due by:** 14th February 2013

**Proposal:** Change of use from a Leisure Centre (use class D2) to a Community Free School (use class D1), works to the external appearance of the existing building, boundary treatments, provision of play areas, access and parking along with associated landscaping. (Amended plans)

**Site Address:** The Lord Nuffield Club, William Morris Close, **Appendix 1.**

**Ward:** Cowley Marsh Ward

**Agent:** Miss Grace Manning-Marsh

**Applicant:** Dr Russell Rook

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**Recommendation:** Committee is recommended to support the proposals in principle but defer the planning application in order to draw up an accompanying legal agreement and to delegate to officers the issuing of the notice of planning permission on its completion.

## **Reasons for Approval**

- 1 The need for additional school places in the City can appropriately be met on this site. Through a Community Access Package to be secured under a legal agreement, the local community will be able to make an acceptable level of use of many of the school's internal and external facilities. Subject to conditions and implementation of on-street measures, the additional traffic and parking likely to be generated by this proposal is judged not to have any adverse highways impacts. The external alterations to the building are appropriate in relation to the site and surrounding development, and the use of the building as a school will not have unacceptable detrimental impacts on the residential amenities enjoyed by adjacent properties. The proposal complies with adopted policies contained in the Core Strategy 2026 and the Oxford Local Plan 2011-2016.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

- 3 The Council considers that, by virtue of the provisions to be made under the section 106 agreement, the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 4 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 Landscape plan required
- 5 Landscape carry out after completion
- 6 Boundary details before commencement first occupation,
- 7 SUDS for car parking area
- 8 Parking and vehicle manoeuvring areas
- 9 Cycle parking details required
- 10 Provision of bin stores
- 11 Travel Plan and detailed SRTS
- 12 School Rolls - Travel Plan
- 13 School Rolls - traffic impact
- 14 Traffic Management Plans
- 15 Amenity no additional windows west, south or east,
- 16 Noise
- 17 Cooking odours
- 18 Biodiversity enhancements
- 19 Archaeology - Implementation of programme

### **Main Local Plan Policies:**

#### **Oxford Local Plan 2001-2016**

- CP1** - Development Proposals
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- CP21** - Noise
- CP23** - Air Quality Management Areas
- TR1** - Transport Assessment
- TR2** - Travel Plans
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE15** - Loss of Trees and Hedgerows

**HE2** - Archaeology  
**SR2** - Protection of Open Air Sports Facilities

### **Core Strategy**

**CS2\_** - Previously developed and greenfield land  
**CS21\_** - Green spaces, leisure and sport  
**CS20\_** - Cultural and community development  
**CS13\_** - Supporting access to new development  
**CS18\_** - Urban design, town character, historic environment  
**CS16\_** - Access to education  
**CS12\_** - Biodiversity

### **Other Material Considerations:**

National Planning Policy Framework

Policy Statement – planning for schools development, DCLG, August 2011, issued jointly by the Secretary of State for Communities and Local Government and the Secretary of State for Education

### **Relevant Site History:**

02/02046/FUL - Demolition of sports and social club buildings, two houses, garages and outbuildings. Retention of sports ground and bowling green. Erection of new sports and social club, 63 dwellings comprising 23 x 2 bedroom flats in a 3 storey block and a terrace of 6 houses, 4 x 3 bedroom and 2 x 4 bedrooms in a 2 storey block (some with accommodation in roof space) 2 caretakers flats in the sports and social club building, accessed from Barracks Lane, with associated car parking (97 spaces). cycle parking and bin storage. Erection of 7 x 3 bedroom and 4 x 4 bedroom 2 storey terraced houses (some with accommodation in roof space) fronting Crescent Road and two 3 storey blocks of 21 x 2 bedroom flats, with associated car parking (32 spaces) accessed from Crescent Road. (Amended Plans). PER 8th December 2004.

### **Representations Received:**

Two planning applications on adjacent parts of the former Lord Nuffield Club building and grounds were registered 5 days apart:

- the application which is the subject of this report (12/02935/FUL) for conversion of the former sports and social club building to a school with associated outside facilities on the northern part of the former recreation ground; and,
- an application (12/02967/FUL) for housing and two all-weather pitches on the southern part of the former recreation ground and the former car park: this application is to be presented to a future meeting of this Committee.

Local people have either commented on both applications in one response or as two or more responses. The applications are of course being assessed separately on their own merits but for simplicity and to reflect the interconnectedness of the

applications in the mind of most respondents, the public response is presented here as a single summary table in **Appendix 2**.

### **Statutory and Internal Consultees:**

Sport England - objects to the proposal because it represents the loss of an area of playing field and the ancillary parking and building which provided changing rooms for the sports pitches and does not accord with any of the exceptions in Sport England's playing fields policy. Sport England would be more likely to support this proposal if the adjacent playing fields could be retained for use by the School and the Community, along with changing provision (potentially located within the School buildings) and parking.

Highways Authority – no objections subject to conditions relating to: the design and construction of the parking areas; submission of a Travel Plan and Safe Routes to School Study; retention of cycle parking facilities; schedule of school rolls; and submission of a Construction Travel Management Plan and a Service Delivery management Plan.

Thames Water Utilities Limited – no objections in relation to water supply and waste.

No comments have been received from: OCC Developer Funding Team, OCC Drainage Team Manager, Oxford Area Playing Fields Association, Oxford Sports Council, Oxford Civic Society, Open Spaces Society, Department of Education & Science, Oxfordshire Primary Care Trust.

### **THE SITE AND SURROUNDINGS**

1. The site is located within a primarily residential area at the junction of Barracks Lane with William Morris Close. It is bounded to the east and west by residential development (properties in William Morris Close and on Hollow Way); to the north by Barracks Lane and the Southfield Golf Course beyond; and to the south by the playing fields associated with the former use of the land as a sports and social club.
2. The application site extends to 0.59ha. It comprises a large leisure-use building with a footprint of some 0.115ha (the former Lord Nuffield Sports and Social Club); together with open land immediately adjacent to the building extending for another 0.475ha.
3. The existing building is dark-red brick-built with some feature-banding brick work in a contrasting colour. The roof has pitched concrete slate side elements and a central area of flat roof. On its south wall it has an open viewing terrace; and on its east elevation it has two and single storey projections. It has powder coated aluminium gutters and powder coated aluminium windows and doors. It has a basement and 2 upper floors creating an external height of some 12.2m. It has a total internal floorspace of 2,704 sq. m. and a building footprint of 1,150 sq. m. It is fully air-conditioned and has a lift.

## **THE PROPOSAL**

4. The proposal is to convert the former Lord Nuffield Sports and Social Club building (Use Class D2) and land immediately adjacent to a school for reception and primary age children (Use Class D1).
5. The school will be operated by Chapel Street Community Schools Trust under the Government's 'Free Schools' Programme. It is proposed to open in September 2013 with 60 pupils; rising by 60 pupils each year for 6 years until at full capacity the school will have 420 pupils in mixed boy and girl classes of target size 28. It is envisaged that there will be 22 full time and 23 part time employees at the site during the school day. The Trust intends to provide outstanding teaching and learning for children with a Christian ethos for a multi-cultural community supporting children of and families of all faiths and none. The school facilities are to be made available to the local community via a Community Access Package to provide a hub for local education and community activities. The Site Manager and associated staff will be responsible for access to the school out of hours and during the holidays.
6. The existing building structure is to be retained but with additional doors and windows to allow interior remodelling to accommodate classrooms and other school facilities. The existing air conditioning and other plant, and external lighting are to be retained.
7. Access to the school site will be from William Morris Close off Barrack's Lane. 18 staff parking spaces are proposed, together with 2 disabled and 2 visitor parking spaces, an in-and-out turning area some 43 metres long, a pupil drop-off zone 16.5 metres long and 36 cycle parking spaces. Bin and recycling storage is proposed in a position convenient for collection from William Morris Close.
8. External formal and informal soft and hard play and education areas are proposed within the site: the school would not be dependent on provision of pitches or other facilities outside the application site. The trees along the eastern boundary are to be retained and some additional planting and landscaping are proposed within the site including an educational nature area.
9. The stone boundary wall to the north will be retained; the residential fences along the eastern boundary will not be affected by this proposal. The southern boundary will be formed by a 2m open weld fence (with a secure access to the open space to the south if required).

## **DETERMINING ISSUES**

- The principle of a new school in this location
- Loss of a community facility
- School development on protected open space
- Impact on local highways
- Impact on surrounding residential properties
- Other issues – archaeology and biodiversity

## **The principle of a new school in this location**

10. The NPPF (March 2012) states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities are required to take a proactive, positive and collaborative approach to development that will widen choice in education by giving great weight to the need to create, expand or alter schools.
11. A statement had also been issued in August 2011 jointly by the Secretaries of State for Communities and Local Government and for Education setting out the Government's view that the creation and development of state-funded schools is strongly in the national interest; and underlining the Government's commitment to support their delivery through the planning system.
12. The County Council as education authority has commented in relation to this application that the school expansions already in progress, planned or being explored, will all be needed for the existing population, and may still prove insufficient. Options for further expansions are becoming limited, and new schools will be needed to support increased parental 'choice' and a better geographic distribution of supply and demand for any additional population growth. The location of the application site is regarded as being appropriate to meet this need.
13. In response to consultation on this proposal local residents have commented both against and in favour of this proposal. Those against may well accept the need for additional schools but for reasons of highway impact, loss of open space, and impact on local residential amenities do not accept that this is an appropriate site. Those in favour emphasise the need for additional school places and high quality education, and consider this to be a good use of a redundant building and a good site for a school being well connected to the local transport network.
14. Improving educational attainment is at the heart of the City Council's Corporate Plan, backed by a range of initiatives and financial and other resource investments. Policy CS16 of the Core Strategy states that the City Council will work with the County Council and other agencies to improve access to all levels of education, through new or improved facilities. In view of the County's analysis that the need for additional school places can appropriately be met on this site it can be asserted that this development is acceptable in principle in that it also accords with the aims of the City Council's Corporate Plan and Core Strategy. Significant benefits are therefore likely to accrue to the City's community as a whole in the development of a school on this site. Its acceptability in terms of planning policy and highway impact would still however need to be established.

## **Loss of a community facility**

15. Policy CS20 of the Core Strategy aims to resist the loss of community facilities where the foreseeable need justifies their retention.

16. The former Club functioned as a community facility with public access. Local residents have commented on the value to them of community use of the building; that such facilities are still needed locally; and that rather than using it for a school, alternative community users and uses for the building could be found. Other local residents regard school use with community access as an acceptable use of the currently unused building.
17. When the administrators were seeking purchasers for the property, efforts were made by the City Council and others to see if it would be possible to continue the use of the Lord Nuffield Club as designed, but to no avail. The planning agent for the current owners of the site, has commented that during marketing of the site over a period of about 3 years there have been no offers of which they are aware to either continue a private club use or to provide public recreational facilities.
18. As a building approved under Use Class D1 for use for general leisure purposes, the former Club building could be converted, without further permission, for use for commercial leisure activities such as a cinema, concert hall, bingo hall or casino, dance hall, swimming bath, skating rink gymnasium or area for other indoor or outdoor sport and recreation. In contrast, the school use with public access to some of its internal facilities (including a large hall) out of hours and during holidays (secured through a Community Access Package) and with school staff managing community facilities, would allow for locally generated community use of the building (such as local clubs, sports teams, community meetings, drama groups, children's' and youth groups, fitness classes and so on). In this primarily residential environment such community generated uses may be regarded as preferable to alternative possibly large sale commercial leisure activities.
19. Therefore, subject to conclusion of a legal agreement which secures a satisfactory level and type of sustained community access, this proposal is regarded as providing continued community use of the building and therefore acceptable in terms of Policy CS20. Details of a community access package would require further dialogue with the applicant in the event of the planning application being supported by committee.

### **School development on protected open space**

20. The recreational open space, of which this application site is a part, is a remnant of the larger recreational open space associated with the Morris Motors Social Club which previously owned and occupied the space. The site plan prior to redevelopment attached at **Appendix 3**.
21. In 2004 planning permission was given to demolish the Morris Motors Club buildings on Crescent Road and build a new club building (the Lord Nuffield Club which is now the subject of this application) enabled financially by housing development on part of the open space not used as playing pitches (William Morris Close) and on the demolished club house site on Crescent Road. The block plan from that application is attached as **Appendix 4**. This was contrary to planning policy which aimed to protect recreational open space but was regarded as expedient given that the social club use would be relocated and upgraded on

the site, and the main area of playing pitches would not be developed. Other important benefits included social housing and community access.

22. The application being considered for the school therefore represents a further significant reduction in the available area of recreational open space from that which existed prior to the 2004 permission for the redeveloped club. As the analytical drawing at **Appendix 5** shows, the application site as a whole constitutes 34% of the remaining recreation field, and aside from the building, the open space being taken by the school is 27% of the remaining recreation field. Sport England has raised an objection to the loss of this part of the larger playing field and the ancillary parking and building which provided changing rooms for the sports pitches.
23. In commenting on these proposals (for the school and the housing on the adjacent site) local residents have voiced almost unanimous opposition to any development of the open areas of the former club site. Only one respondent (to the housing scheme) commented that all-weather pitches would be a better use. The open space is highly valued by local residents and the majority consider that it should be retained as such for the following reasons (in summary):
  - has been well used by local people for 80 years and valued as an open green space, not redundant;
  - adds to the character of the area, part of green image of the city;
  - local and Government planning policy indicates it should be kept open
  - previous planning permission (for the Lord Nuffield Club) was conditional on retention of the open space – this should be upheld;
  - it should be safeguarded land for long term use;
  - the all-weather pitches do not allow for the informal recreation that people enjoy on this land;
  - no floodlighting means that public use restricted;
  - negative impact on local wildlife.
24. There is strong national and local planning policy protection for existing recreational and open green space. The NPPF states that the Government considers that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
  - an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - 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
  - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
25. The NPPF also indicates that urban green space may be worthy of protection as Local Green Space if it is:



- in reasonably close proximity to the community it serves;
  - demonstrably special to the local community and hold a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
  - local in character.
26. At the local level this site is protected as an open space under Policy SR2 of the Oxford Local Plan which resists the loss of open space where there is a need for the facility to be retained in its current location, or the open area provides an important green space for local residents. Exceptions to this policy can only be made where there is no need at all for the facility for the purposes of open space, sport or recreation or where there is a need for the development and there are no alternative green field sites and the facility can be replaced by equal or improved replacement facilities.
27. This site is also protected as an open space under Policies CS2 and CS21 of the Core Strategy. Policy CS2 allows the development of greenfield and previously developed land only if it is allocated for the proposed use or, in the case of housing proposals it is needed to maintain a five-year housing land supply. Policy CS2 only allows the allocation of open space for development if a need for the development can be demonstrated and if the open space is not needed for the well-being of the community it serves. Policy CS21 seeks to maintain an overall average of 5.75 ha of publicly accessible green space per 1,000 population. Under this policy losses of sports and leisure facilities will only be acceptable if alternative facilities can be provided of equal accessibility and if no deficiency is created in the local area.
28. The Council's Sites and Housing Plan which was recently approved by a Planning Inspector and is due for formal adoption by the Council on 18<sup>th</sup> February, contains some housing allocations on previously open private sports grounds. These sites were not specifically sought by the Council in order to prepare the plan but were suggestions for possible development sites proposed by landowners which were responded to by the Council in the context of the plan-making process. Each site was subjected to a rigorous and detailed assessment by the Council of its value and potential for formal and informal sport and its amenity value as green space; and also to public scrutiny through consultation and examination in public. The sites which have in part been allocated for development were required to retain at least 25% of the site area as unrestricted publicly accessible open space, suitably located and designed for practical public use. The Sites and Housing Plan was a discrete planning process specifically geared to identify sites to demonstrate a 5 and 10 year supply. This is now complete and achieved. Other development proposals now coming forward on green field and sports sites will be considered against the national and local plan policies described above.
29. In relation to national and local policy therefore it is important to establish whether the land is redundant for recreational use. The applicants have not submitted evidence to that effect. Local people made active use of the land prior

to its being fenced in mid-November 2012 when the current planning applications were submitted. Sport England and the Council's Leisure Services have identified a range of sporting and recreational uses to which the land as a whole could be put. The space is not therefore surplus to sport and recreation requirements or redundant for sports and recreation use. Although in private ownership and fenced off, the site retains the potential to be brought back as high quality provision for active formal or informal outdoor recreation.

30. The determining issues therefore in respect of the proposed school's incursion into the protected open space are:
  - whether the benefits of developing a new school here which requires outdoor facilities that can only be accommodated on protected open space, outweighs the policy protection of the open space; and,
  - whether the proposed replacement provision would be equal to or better than the existing provision.
31. On the first point, in a previous section of the foregoing report, the need for and principle of development of a new school in this part of the city was accepted, as has its location within the former Club building subject to meeting planning policy constraints. It was established that significant benefits are likely to accrue to the City's community as a whole in the development of a school on this site. This assertion therefore weighs heavily in assessing the acceptability of the open space to be taken by the school.
32. On the second point, part of the Community Access Package proposed includes access to the external areas of the school. This offers the local community access (outside of school hours and in the holidays) to a grass play area, a grass amphitheatre, an all-weather Multi-Use Games Area (MUGA), and trim-trail equipment. The MUGA will be a fenced games area (2m minimum fence height) that will allow for at least 4 different sports to be played on it. It will be accessible without going onto the school grounds, so that it can be fully used by the community outside of school hours. It will be managed and maintained by the school at no cost to the council.
33. Taken together with the in-principle benefits of school development on this site, the level and type of community access proposed is regarded as being an acceptable alternative sport and recreational provision on this part of the protected open space. Reducing the former recreation area by the amount required by the school and in the location proposed still leaves a usable area in the rest of the site (in terms of size and configuration) which retains the potential to accommodate a range of outdoor sports to meet local needs.
34. Therefore, subject to conclusion of a legal agreement which secures a satisfactory level and type of sustained community access to the external areas and facilities of the school, this proposal is regarded as providing the opportunity for continued sport and recreational use by the local community on the former open site. It may therefore be regarded as being in accordance with the NPPF and acceptable in terms of Policies CS1, CS2 and CS21 of the Core Strategy and Policy SR2 of the Oxford Local Plan.

35. Further, this open space has a role within the local area as a green space and is protected as such under the NPPF and Policy CS 2 of the Core Strategy. It meets the requirements of the NPPF to be regarded as a Local Green Space (although its formal designation as such could only occur through the Local Plan process) in that:
- It is local in character and is adjacent to and bounded by the community it serves; and,
  - It is demonstrably special to the local community: local people have commented that:
    - until recently it was in active use by local people for formal recreation in association with the Club;
    - until it was fenced when the current planning applications were submitted (mid-2012) it was in regular use for spontaneous informal recreation, and dog walking;
    - it has visual amenity value as a green space, in defining the character of the area, as a relief to the density of development in the local area, and as a place for wildlife.
36. Apart from open weld fencing no structures are proposed by the school on this open space. The areas of additional hard surface will diminish but not eradicate the 'greenness' of the space, and there is also to be additional soft landscaping and tree planting. The openness of the space will therefore be retained as will its value as a 'green' visual amenity similar to a Local Green Space. In these terms also therefore the proposal may be regarded as acceptable.

### **Impact on local highways**

37. The Local Highway Authority has considered the school application on its own merits (aside from the housing/pitches application on adjacent land).
38. The Authority regards the submitted Transport Assessment to be robust and agrees with the assumptions used and conclusions drawn: it acknowledges that the key issue in assessing the likely traffic generation of the school is the likely proportion of the pupils who will arrive by car. Officers of the Highway Authority considers it not un-reasonable to predict that 70% of pupils will arrive at this school by sustainable means, given that in this location there is a high resident population within walking distance. They consider that although 70% is higher than the national average, the location is an area with higher than average accessibility by sustainable means. The national average takes into account many places of an inaccessible nature or less accessible than the proposed site.
39. They have also considered the impact of the faith aspect of the school and the usual expectation that this would result in a larger catchment and generate a higher proportion of pupils arriving by car. This is not a faith school in the usual accepted understanding of the term – it is to be operated with a Christian ethos but would be open to people of all faiths and none. A figure of 30% expected Christian intake was suggested to the Highway Authority. The Authority regards this as a low proportion (indeed they would regard anything less than 50% as a

low proportion) and conclude that small changes in proportions would only translate into small differences in traffic generated.

40. The Authority urges a degree of caution however and makes it clear that its view is dependent upon the phased growth of the school (60 pupils per year) to allow sustainable travel to school habits to normalise. They suggest a condition to secure the phased growth of the school and request submission by the applicant of a more robust Green Travel Plan, a Safe Routes to School Study which has greater depth, a Construction Traffic Management Plan and a Service Delivery Management Plan all to be agreed prior to commencement of works on site.
41. The traffic generation based on these predictions and assumptions was used in capacity testing carried out as part of the Transport Assessment at the local junctions. This shows that the junctions will be able to operate within capacity.
42. Under the NPPF the Local Highway Authority may object to development proposals only if the traffic impact is assessed to be "severe". In this case the traffic impact assessment of the proposed school is compared to the potential traffic impact of the range of activities which could take place in the building which is approved for D2 leisure uses (as noted above these include cinema, concert hall, bingo hall or casino, dance hall, swimming bath, skating rink gymnasium or area for other indoor or outdoor sport and recreation). Under this analysis the school impact is judged by the Authority to be comparable with or indeed have potentially less impact than the permissible leisure uses of the site.
43. Additionally the Authority notes that, the peak hours of traffic impact of a school do not coincide with the network peak. This is especially the case with respect to the PM peak. The AM peak in a location such as this tends to be earlier than the school peak delivery time. This is as a result of outward commutes taking place at an early hour and many of the drop-off journeys, if by car, being on the network already as a result of being a re-directed commute trip.
44. The Authority has therefore concluded that subject to conditions and implementation of on-street measures, the Free School proposal is acceptable in terms of safety, transport impact and development layout (subject to minor layout adjustments to be determined at the detailed design stage). The Highway Authority judges that the application does not raise any adverse highway impacts and raises no objections to it.
45. Local people are however extremely concerned that the development of a school on this site will adversely impact on the local highway network. Most objectors to the scheme raised highways impact as their first and often principle objection to it. They consider that the Transport Assessment is flawed and that the Green Travel Plan is inadequate. A residents' survey of rat-running in the area has been submitted. A wide range of detailed comments about traffic, parking, circulation and on-site design are made in the public responses, the principal ones being:
  - there will be increased traffic generally on already heavily congested local roads and at junctions (Hollow Way/Barracks Lane/Horspath Road; Hollow

Way/Cowley Road/Garsington Road; and The Slade/Horspath Driftway) with more traffic to come because of developments in the wider locality which use this route including the Business Park;

- Barracks Lane is unsuitable for access to a school (plus housing and all-weather pitch developments); and that,
- the access point for new developments from Barracks Lane to William Morris Close will be dangerous and will adversely affect the amenities of local residents.

46. The applicants have stated in their submission that they wish to work positively with the local community and become a community hub. Daily problems with traffic and parking and negative interaction with the local community would clearly not serve that purpose. In order to help overcome the concerns of local people and to help meet the aims of the school, the applicants have been asked whether they would be prepared to accept an annual limit on the school roll (starting at 120 pupils then adding 60 each year) so that the actual traffic and parking implications of the school in operation can be assessed before additional pupils are accepted. In this way the school would only be allowed to grow in concert with implementation of any necessary highway improvements or other mitigation measures to deal with any highway problems being experienced. For different reasons this was the general approach (but with different limits) adopted at the relocated SS Phillip and James School at Aristotle Lane in North Oxford.

47. In response, the applicants have accepted the principle of a cap on pupil numbers as suggested. In time for consideration at the Committee meeting, they are undertaking additional work to assess the number of students that are driven to school in neighbouring schools in order to benchmark the numbers in the transport assessment; and are also submitting a more in depth travel plan. They have however requested that the initial cap be 300 pupils with the initial traffic impact review to take place at 240 pupils. This is for 2 reasons:

- i. because the traffic impacts of a new school are not linear throughout the pupil year groups. Those of a younger age (reception etc) are less likely to cycle and walk compared to the older years. In the applicants' view therefore it is important to allow the school to reach those year groups so that a more comprehensive understanding of the traffic impacts can be gained; and,
- ii. in order for the school to be able to operate the usual admissions procedure (admissions are taken in January). If, as a result of the traffic study, the cap needs to be enforced at 300 then the pupils admitted the previous January will be unaffected.

48. This approach places significant risk on the applicants given that refusal of future growth may be an option for the City Council. In view however of local residents' daily experience of traffic in the local area and their significant fears about added traffic, this approach may be considered to be an acceptable way to progress the scheme given that the Highway Authority does not object to it. The recommendation is written with this condition included (set at 120 plus 60 each year). Members are asked to consider whether or not they would support this approach and at what level the cap should be set.

## **Impact on surrounding residential properties**

49. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policy HP9 of the Sites and Housing DPD combine to require that development proposals incorporate high standards of design and respect local character.
50. Additional windows and doors are proposed in every elevation to facilitate conversion of the existing building to a school. On the east and west elevations which look towards existing residential properties these have been designed with high cills to allow light to penetrate but to prevent overlooking towards existing properties. The east elevation is 27 metres from the front of houses in William Morris Close; the west elevation is 89 metres from the rear of properties in Hollow Way
51. Policy CP 21 of the Oxford Local Plan specifically protects noise sensitive developments (including residential areas and education facilities) from new development which causes unacceptable levels of noise. Two local residents have commented adversely on the likely noise and general disturbance in their gardens of the outside activities of the proposed school particularly from the proposed 'amphitheatre'. The Council's Environmental Development service has been consulted on the proposals and do not recommend refusal on the grounds of noise from children playing nor on balance from the use of the external spaces by the community in the evenings and at weekends given that the external facilities are small scale. A noise condition is recommended for the internal plant.

## **Other issues**

52. Archaeology - Policy CS18 of the Core Strategy safeguards the City's archaeological assets. This site is of archaeological interest and a condition is recommended requiring an archaeological investigation consisting of a watching brief.
53. Biodiversity – Policy CS 12 of the Core Strategy protects the City's biodiversity. An ecology report was submitted which is comprehensive and compliant with policy. The following relevant biodiversity features can be secured by condition:
  - a reptile survey and precautions regarding breeding birds;
  - retention of mature trees;
  - the planting scheme should include native species and climbers and be the subject of an agreed maintenance scheme;
  - lighting should take account of bat use of trees;
  - there should be bat and bird nest boxes on the mature trees; and,
  - a heated maternity roost for bats in the roof space on the south facing roof, built with camera access.

## Conclusions

54. There is a need for additional school places in the City over and above the new schools and school expansion schemes in the pipeline. Locating a new school in this part of the City is acceptable in principle and this building is suitable for conversion to school use.
55. The incorporation of recreational land into the school site would normally be regarded as contrary to national and local policies which safeguard such land for the community. The need however for additional school places in the City and the ability to help meet that need on this site can be regarded as sufficient justification to override that protection given that a Community Access Package can be secured under a legal agreement to enable the local community to make good use of the school's external as well as its internal facilities.
56. Subject to conditions, the additional traffic and parking likely to be generated by this proposal is judged by the Highway Authority not to have any adverse highways impacts. The local community has however voiced significant and important concerns about the traffic situation they currently experience in the local area, about the adverse impacts which they believe added traffic will cause, about the assumptions and predictions which fed into the transport assessments, and about the Travel Plan, other mitigation and on-site design proposed. In order to progress the scheme a condition is suggested which places limits on the school roll. The limits can be released progressively if it can be seen that the traffic generated by the school is being satisfactorily accommodated on the local highway network with highway improvement works or other mitigating measures being undertaken as necessary.
57. The external alterations to the building are appropriate in relation to the site and surrounding development, and the use of the building as a school will not have unacceptable detrimental impacts on the residential amenities enjoyed by adjacent properties.
58. An objection to the proposal has been received from Sport England, and there has been a large number of objections and some comments of support from local people all of which have been given careful consideration. The need for improved schooling in the City however together with the Community Access Package and the cap on pupil numbers proposed means that the proposal complies with the identified exceptions to the relevant policies of the Core Strategy 2026 and the Oxford Local Plan 2011-2016.

## Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and an accompanying legal agreement. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

#### Section 17 of the Crime and Disorder Act 1998

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 subject to conditions and an accompanying legal agreement, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

#### **Background Papers:**

**Contact Officer:** Fiona Bartholomew

**Extension:** 2159

**Date:** 22nd January 2013



## Appendix 2

### Summary of Public Response to applications 12/02935/FUL and 12/02967/FUL

Comments of Objection
<p>Increased traffic generally on already heavily congested local roads and specifically at junctions (Hollow Way/ Barracks Lane/ Horspath Road; Hollow Way/Garsington Road; and The Slade/Horspath Driftway) with more traffic to come because of developments in the wider locality which use this route including at the Business Park:</p> <ul style="list-style-type: none"><li>• Extra traffic dangerous for the many users of the local road network with narrow footways</li><li>• Already suffer long waits at the traffic lights at the Hollow Way/ Barracks Lane/ Horspath Road junction – this has potential for gridlock</li><li>• Restricted access for emergency vehicles</li><li>• Difficult for local residents to get out of the area to go to work at peak times</li><li>• The urban clearway in Hollow Way not well enforced creates extra local traffic difficulties</li><li>• Already suffer from pollution from waiting traffic in the area – will get worse</li><li>• The development is against Core Strategy Policy CS19 because there will be more accidents on Hollow Way</li></ul>
<p>Barracks Lane unsuitable for access to school/housing/pitch developments:</p> <ul style="list-style-type: none"><li>• Will become bottleneck because Barracks Lane is dead end so people have to turn round in the access way</li><li>• Poor visibility around many parked cars on Barracks Lane</li><li>• Parking on both sides of Barracks Lane mean only one vehicle can pass along it</li><li>• Parking on Barracks Lane will get worse and problems will arise as they did when the Club was running</li><li>• Can't restrict parking on Barracks Lane because local people need it to park their cars who have no other option</li><li>• Is heavily used by pedestrians, children and cyclists – access to Oxford Spire Academy – will become more dangerous</li></ul>
<p>Access point for new developments from Barracks Lane to William Morris Close:</p> <ul style="list-style-type: none"><li>• Dangerous for children</li><li>• Will adversely affect amenity of flats</li><li>• There will be parents and staff school parking in nearby residential areas</li><li>• There is often ice on the road at this junction</li><li>• Poor visibility because of high wall at the junction</li></ul>
<p>Inadequacy of traffic assessments:</p> <ul style="list-style-type: none"><li>• This will be the largest primary school in East Oxford</li><li>• Wide catchment, people will come from far away – a much greater proportion will drive to school, too far for many to walk</li><li>• Walking overestimated, driving underestimated</li><li>• Unrealistic to expect primary school children to use alternative local transport</li></ul>

<p>Green Travel Plan inadequate:</p> <ul style="list-style-type: none"> <li>• no real positive measures are suggested for achieving reduced car travel</li> <li>• Can penalties be introduced if the aims are not met?</li> </ul>
<p>Transport Assessment poor:</p> <ul style="list-style-type: none"> <li>• makes erroneous/misleading comparisons with non-free schools with a narrower catchment</li> <li>• Need better/more traffic surveys – one day not enough</li> </ul>
<p>Open space should be retained:</p> <ul style="list-style-type: none"> <li>• Has been well used by local people for 80 years and valued as an open green space, it is not redundant</li> <li>• Adds to the character of the area, part of green image of the city</li> <li>• Local and Government planning policy indicates it should be kept open</li> <li>• Previous planning permission (for the Lord Nuffield Club) was conditional on retention of the open space – this should be upheld</li> <li>• It should be safeguarded land for long term use</li> <li>• The all-weather pitches do not allow for the informal recreation that people enjoy on this land</li> <li>• No floodlighting means that public use restricted</li> <li>• Need to retain footpath from Crescent Road to Beresford Close</li> <li>• Negative impact on local wildlife</li> </ul>
<p>Retain the former club building in community use:</p> <ul style="list-style-type: none"> <li>• Needed locally with the closure of Temple Cowley Pools and Gym</li> <li>• Can find a user who will make it viable, many clubs looking for premises</li> <li>• A valuable local facility</li> <li>• Use for old people's clubs</li> <li>• Removal of essential local community sports facility unacceptable in view of Olympic legacy</li> </ul>
<p>The need for the school:</p> <ul style="list-style-type: none"> <li>• No need for a school – there are enough locally, will lead to other schools closing</li> <li>• Agree need for school but this is the wrong site for traffic reasons</li> <li>• Objection to faith based school – 40% Oxford residents not Christian</li> </ul>
<p>The school and its site:</p> <ul style="list-style-type: none"> <li>• Parents will also park in Crescent Road (unacceptable and dangerous)</li> <li>• Use of the footpath through Beresford Close is unsuitable because it goes through a car park not along a path; also not adopted and unlit, suffers anti-social behaviour</li> <li>• Significant impact to privacy of local residents</li> <li>• Inadequate on-site turning, set-down/drop-off area and parking for staff</li> <li>• Design unacceptable – bright modern colours and materials not appropriate</li> <li>• Future extensions to the school should be restricted</li> <li>• Noise from school will affect amenity of rear gardens to properties in Hollow Way</li> <li>• Loss of parking around field for residents of William Morris Close</li> </ul>
<p>Housing:</p> <ul style="list-style-type: none"> <li>• No need for this given developments locally and at Barton</li> <li>• Too high density, area already high density – this will make it worse</li> <li>• Poor design – windows too small, roof blank, needs to incorporate solar panels etc., question need for chimneys</li> <li>• Adversely affects the amenities of properties adjacent – Crescent Road, Hollow Way and Beresford Place: loss of privacy, light, outlook, overshadowing</li> <li>• 3-storey is out of scale and overbearing, out of keeping with locality</li> <li>• Access road less than 10m from ground floor bedrooms in Beresford Place, intrusive vehicle headlights.</li> </ul>

Drainage: <ul style="list-style-type: none"> <li>• Steep hill, surface water run-off already a problem causing flooding down Barracks Lane to Boundary Brook</li> <li>• More hard surface area will exacerbate this</li> </ul>
Local house prices will fall
Statement of Community Involvement misleading

<b>Comments of Support</b>
Need for school: <ul style="list-style-type: none"> <li>• Desperate need for primary places, other schools full, many people have to travel out of the area to school, pressure will increase due to population growth,</li> <li>• educational underachievement leads to poverty: need a good school to raise achievement</li> </ul>
A good re-use of a redundant building with the added bonus of community use of the building and grounds
A good site for a school, well connected to transport and for walking
Extended school hours will spread the traffic implications. Can monitor traffic problems and adjust as the school grows.
Great need for new housing
There will be better use of the open space if developed for all-weather pitches

12/02935/FUL

Appendix 3

Original Morris Motors Club site



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12/02935/FUL

Appendix 4

Block plan of the 2004 permission showing housing development on part of the previous open space and the re-sited Lord Nuffield Club building



Appendix 5

Analytical drawing showing the application site for the Free School as a proportion of the remaining open space.

