

East Area Planning Committee

7th March 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 including Multi Use Games Area, access and parking along with associated landscaping. (Amended plans) (Amended description).

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

Ward: Cowley Marsh Ward

Agent: Miss Grace Manning-Marsh

Applicant: Dr Russell Rook

Recommendation: Committee is recommended to support the proposals in principle but defer the application in order to draw up an accompanying legal agreement securing a community access package to the school's facilities, and to delegate to officers the issuing of the Notice of Planning Permission on its completion.

For the following reasons:

- 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 elevations
- 16 Noise
- 17 Cooking odours
- 18 Biodiversity enhancements
- 19 Archaeology - Implementation of programme medieval and post-medieval remains

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 green field 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

Background to the Case

1. At the East Area Planning Committee on the 5th February 2013, Members resolved to defer consideration of the planning application in order:
 - that the application could be dealt with at the same time as the application on the adjacent site for housing and all-weather pitches (12/02967/FUL).(A separate report dealing with application 12/02967/FUL appears elsewhere on this agenda);
 - to receive further information on the need for schools in this area; and,
 - to receive further information on road safety matters.
2. The latter two issues are examined in this report which should be read in conjunction with the original officer's report attached now as **Appendix 2**.
3. In addition the opportunity is being taken in this report to update the original report in two respects:
 - i. In the previous report the inclusion of a Multi-Use Games Area (MUGA) was referred to but it was reported at the Committee that a location for the MUGA had not been agreed. A suitable location has now been proposed and the revised layout and amended description were subject to public consultation. The revised layout is available on the website and a slide will be available to view at the meeting. Subject to any public comments which will be reported to Committee the revised layout is recommended for approval.
 - ii. An additional condition is needed requiring submission and approval of the details of the proposed canopy forming the front entrance to the proposed

school.

Officers Assessment

Additional Schools Information

4. The County Education Authority has supplied details of schools applications, the analysis of which is set out below.

Demand and Supply

5. Schools in all Oxford postcode districts are oversubscribed, but in September 2012 the greatest degree of oversubscription was for schools in the OX4 district
6. In 2012 on current Published Admission Numbers, schools in the OX4 postcode were oversubscribed by 98 places. Taking into account expansions already approved, the OX4 postcode was still oversubscribed by 58 places.
7. The only current proposal for expansion to schools in the OX4 postcode district is the proposal to lower the age range of St Gregory the Great School to provide primary provision. This would add 60 primary school places in the OX4 postcode, but as this would be a Catholic school, it is likely that it would draw pupils from a wider area, and would not, therefore, fully address the oversubscription in OX4.

Geographic Choice

Postcode	No. applications	No. allocations	% allocations which gained 1 st preference school	Average distance from home to allocated school
OX1	151	147	93.2%	0.719 miles
OX2	354	348	82.8%	0.795 miles
OX3	522	514	75.9%	0.753 miles
OX4	832	824	75.2%	0.958 miles

8. The table above shows 2012 applications by postcode. From this it can be concluded that:
 - i. OX1 was least in need of new schools, as most parents secure their first place school, and the average distance to allocated school is the lowest;
 - ii. parents in OX3 and OX4 have a significantly lower chance of securing their first preference school, and the lowest of any postcode district in the county; and,
 - iii. OX4 has the longest average travel distance to allocated school in the city, indicating the need for more schools in the area to ensure parents can choose a local school, minimising the need for travel by car.

9. It is worth noting that the proposed Tyndale Community School (Free School) site is only about 350 metres from the boundary with the OX3 postcode area, so it would easily serve many families in both postcodes.

Faith-based Choice

10. All faith based schools in the City are oversubscribed. The majority of additional places provided in the city in recent years have been at non-faith schools, 215 places at non-faith schools and 60 at faith schools.
11. The table below sets out the proportion of faith/non-faith places in reception year in 2012 by post code. This shows that there is a balance of faith and non-faith based schools in OX4.

Post code	Places allocated in Reception in 2012	Faith	Non- faith
OX1	90	90 (100%)	0
OX2	210	120 (57%)	90 (43%)
OX3	464	105 (23%)	359 (77%)
OX4	698	354 (51%)	344 (49%)

12. The submitted documentation for the proposed Tyndale Community School states that it will be run with a Christian ethos for a multi-cultural community supporting children and families of all faiths and none. A figure of 30% Christian intake at the school has been suggested which, as shown below, would nominally add 18 places to faith based places and 42 to non-faith places in OX4 (based on 60 places at the proposed school in the reception year).

OX4 with Tyndale	758	372 (49%)	386 (51%)
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13. This would not significantly alter the balance of faith/non-faith schools in OX4 and may help to increase access to faith-based schooling in OX3 which has a lower proportion of faith-based schools.

Additional Road Safety Information

This information will be made available upon receipt from the Highway Authority

Conclusion:

14. In the light of this additional information together with the revised position of the MUGA and the additional condition relating to the design of the entrance canopy, and for the reasons set out above, the Officers' recommendation is maintained to approve the development in principle, but to defer the application for the completion of a legal agreement to secure community access to the school and its grounds.

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: 12/02967/FUL

Contact Officer: Fiona Bartholomew

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Date: 25th February 2013