

West Area Planning Committee

11th August 2015

Application Number: 15/00893/FUL

Decision Due by: 21st May 2015

Proposal: Erection of single storey building to provide a children's day nursery (Use Class D1). Provision of car parking space, play area and landscaping

Site Address: Land To The North Of St Johns College Sports Ground, Woodstock Road (**site plan: appendix 1**)

Ward: St Margarets Ward

Agent: Miss Dawn Brodie

Applicant: St John's College

Application called in by Councillors Wade, Gant, Goddard, and Wilkinson on grounds of overdevelopment of the site (size and design); increased traffic generation and impact on highway safety; impact on biodiversity and ecology due to the loss of mature trees, and adverse impact on 14 Bainton Road due to increased traffic and noise.

Recommendation:

The West Area Planning Committee is recommended to approve planning permission for the following reasons:

Reasons for Approval

- 1 That the proposed development would make an efficient use of a vacant and underused piece of open land to the rear of the existing sports ground that has been allocated for development in previous local plan without resulting in the loss of a protected open-air sports facility or any publically accessible open space. The proposal will provide much needed childcare provision for it students and staff within one of its own site and in a sustainable location. The proposed nursery would not give rise to unacceptable noise and nuisance to the adjoining residential properties, and would provide a good quality internal and external environment for the children, and make adequate provision for access, parking and dropping off facilities that would not have an adverse impact upon highway safety. The overall size, scale and design of the proposed building would create an appropriate visual relationship within the site and its wider setting, subject to appropriate conditions that control the design of the rooflights and materials. The building has been located in a manner that would safeguard the residential amenities of the adjoining properties in terms of loss of light, overbearing impact and privacy. The

development would not give rise to any impacts upon trees, biodiversity or flood risk that could not be successfully addressed by condition. As such the proposal would accord with the relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016.

- 2 In considering the application, officers have had specific regard to all the comments of third parties and statutory bodies in relation to the application however officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and that any harm identified by the proposal could be successfully mitigated by appropriately worded conditions.
- 3 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.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Sample Materials
- 4 Revised plans for Rooflights
- 5 Opening Times as specified in application
- 6 Detailed design of outdoor play area
- 7 Landscape plan required
- 8 Landscape carry out by completion
- 9 Landscape top soil retention
- 10 Landscape management plan
- 11 Landscape hard surface design - tree roots
- 12 Tree Protection Plan (TPP) 2
- 13 Arboricultural Method Statement (AMS) 2
- 14 Parking Area and Access provided before use
- 15 Details of access signage
- 16 Refuse and Cycle Storage
- 17 Sustainable Urban Drainage Scheme
- 18 Ecology Report Recommendations
- 19 Energy Efficiency Measures

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP19** - Nuisance

CP21 - Noise
TR2 - Travel Plans
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
NE15 - Loss of Trees and Hedgerows
NE16 - Protected Trees
ED1 - Nursery/Childcare Facilities Non Residential & Purpose Built

Core Strategy

CS2_ - Previously developed and greenfield land
CS12_ - Biodiversity
CS18_ - Urban design, town character, historic environment

Other Material Considerations:

National Planning Policy Framework
Planning Practice Guidance

Relevant Site History:

09/00364/FUL - Erection of 2 dwellings (1x2 storey and 1x part 2 and part single storey) with associated car parking, cycle parking and bin stores. Creation of new vehicular access off Bainton Road: Withdrawn

10/01785/FUL - Erection of detached two-storey house (5 bedrooms). Creation of new access off Bainton Road, with forecourt car parking, bin and cycle storage: Appeal Dismissed

Representations Received:

Letters have been received from the following addresses. Their comments are summarised below

- 9, 10, 14, 41, 45, 47, 49, 55, 79, 81, 91, 95, 93, 97, 101 Bainton Road; 1, 6 Phoebe Court, Bainton Road; 227, 239, 241 Woodstock Road; 39, 56, 70 Hayfield Road
- This is a residential area with no commercial development
- In 2010 planning permission for a house was turned down as it would have an impact on the street scene. Why would a commercial development be allowed?
- The Nursery will not stay within the ownership of St Johns and their staff, but will lead to non-college persons using the facility
- St Johns Playing Field should be protected. The development will set a precedent for developing this field
- The site is not previously developed land
- There is no need for a nursery as there are other private nurseries in the area available to the college
- The design and materials are wholly out of character with the surrounding street and for a prominent site such as this
- The low fence onto Bainton Road opening up the frontage would make this

intrusive to the surrounds. Better landscaping is needed

- The materials are inappropriate colours
- The rooflights have a prominent 'tellytubby' look
- The building needs to blend in with the surrounds like the more subtle modernist housing on the adjacent St Johns site.
- The low wall should reflect the street scene
- The proposal will impact on the privacy of adjoining properties from traffic and parents waiting for children
- The parents waiting for children will block the road
- The nursery will create noise disturbance for adjoining properties
- The playground faces directly onto the houses on opposite side of Bainton Road and cars would turn in these properties drive
- The nursery in Lathbury Road has a detrimental impact on neighbours with implications under the Human Rights Act 1998.
- The increased traffic will also increase noise and disturbance
- The proposal will overlook the gardens of the Woodstock Road properties (242-4) and create noise for their gardens
- The Noise Impact Assessment purports to take into account the length and frequency of exposure to noise but does not provide the frequency and durations.
- The noise would start at 8.00am and be repeated at various times through the day
- The Noise Impact Assessment states residents will have to retreat to their homes to achieve acceptable levels of noise. This is not acceptable.
- The baby room will not protect residents of Woodstock Road from noise because the playground projects beyond this space
- The assessment does not assess the impact of tubular bells, tongue drums or school alarm bells.
- The access to the cycle parking and rear of the building will have an impact upon the privacy of 14 Bainton Road.
- The proposal will generate considerable levels of traffic that will be a risk to residents, the nursery and others
- Bainton Road has two blind corners and a poor camber that already cause accidents.
- Bainton Road is on a national cycle route
- The 20mph hour speed limit is not adhered to. This presents a danger to users of the nursery as well as other road users.
- The blind bends place pressures on existing driveways in terms of safety for vehicles reversing out of the sites
- The site has not been accessed from Bainton Road and is accessed through the sports ground
- Bainton Road is used as a rat run at busy times of the day and the increase in traffic would be dangerous at this point in the road
- Bainton road is used by a high number of young parents and children who will be impacted in terms of highway safety
- The traffic survey does not take into account the cyclists that use this route.
- The transport assessment does not correctly calculate the impact of the additional traffic on the local highway
- Parents are unlikely to bring children by bike, or by bus.

- The proposal will have an adverse impact upon cyclists from the inappropriate location of the development
- There are already on-street parking pressures and the poor parking provision will exacerbate this situation
- The parking provision is insufficient for 9 workers. The relevant parking standards need to be met
- The residents on the west side of Bainton Road park almost exclusively on-street and at busy times the spaces are needed
- No public or residential parking spaces should be impacted by the proposal
- The in/out access and drop off will result in queues onto the single lane but 2 way double blind junction
- Access could be provided through the sports ground
- The parents will likely spend time 'settling' in their children which will build up traffic trying to enter the site
- The 'drop off' area will be oversubscribed along with the parking spaces which will have an impact upon the adjoining properties
- The staff are likely to use the drop off spaces as well as their parking spaces
- There should be a one way system for vehicles to enter and leave the site, or alternatively they should leave through the sports ground
- The ecology report shows evidence of badgers on the site and that this is a wildlife corridor
- The playground would attract intruders and undesirable elements on Friday and Saturday nights
- The proposal necessitates the removal of trees which will be regrettable
- The proposal will have an impact on an Oak Tree (T8) in 239 Woodstock Roads garden. The works to lift this canopy will have an impact on the character of the area and also the protection from the planned development. The tree will be at risk including its roots

Statutory Consultees:

Oxfordshire County Council Highways Authority:

- No objection
- The proposed development is well located for sustainable transport links.
- The proposed nursery would be for children of St John's College staff and students only,
- The nursery will have 8 full time equivalent staff (7 full-time, 2 part-time),
- The proposed trip generation has been reviewed and is considered suitable for a development of this type.
- Having reviewed the information provided in drawing, (TR8140681/01) the visibility splays at the exit are considered appropriate for the 85th percentile speeds presented in the Transport Statement.
- ATC data provided shows that 85 percentile speeds of 19mph and 21.6mph are experienced approaching the site from the south west and north east direction respectively.
- The swept path drawing (TR814068/SP02) shows that a large car can manoeuvre into and out of the proposed access.
- It is agreed that enforcing left-only turning movements at the proposed exit would be difficult and the currently traffic flows do not warrant this measure.

- It is noted the site is within a Controlled Parking Zone (CPZ) however the parking bays allow for 2 hours car parking without the requirement for a permit.
- Parking bays requiring a permit will continue to be enforced.
- A Travel Plan Statement will be required and should be submitted to Oxfordshire County Council's Travel Plan team.

Oxford Civic Society:

The Trust believes that this application cannot be approved until a full review has been made of the car access to the nursery to ensure that parents delivering and collecting children by car do not increase the danger to traffic, particularly cycles on this Sustrans cycle route, both when entering and leaving the nursery or by parking in in Bainton Road.

Hayfield Road Residents Association:

The association would make the following comments

1. The association has serious and overriding reservations about road safety aspects of the proposals for the nursery
2. We scrutinised the documentation for the proposals for the nursery in minute detail and spoke to various Bainton Road residents and to representatives of St John's College, and Savills, including the specialist traffic consultant, all of whom were present for consultation at the St John's College sports pavilion on Wednesday 22nd April 2015.
3. We were informed that the proposed nursery is to cater for up to a maximum of 29 2 to 5 year olds coming exclusively from the families of Fellows of St Johns College or of postgraduates studying at the College. It is anticipated that 9 staff will be needed to run the nursery.
4. We enquired about provision in the proposal for traffic management. The drawings indicate only 3 parking spaces for staff. Ingress to the nursery will be via a 'difficult' turn onto a semi-circular paved area which will accommodate about 5 vehicles as they pass in front of the nursery and then head out towards the egress. There is only space for the temporary parking of a maximum of 3 vehicles at any one time and this parking will be in a very tight space.
5. Taking into account the very young age of children, it is highly likely that parents dropping their children off will need to stop for several minutes as they see their children into the building and have the usual essential conversations with the staff. Although representatives at the pavilion insisted on the probability that many children would not be dropped off by car, that really must be wishful thinking. Past experience with other nurseries suggest that in the WINTER WEATHER many more parents will resort to cars than in the warmer months/ But even in the warmer weather, a lot of parents who regularly use their car to drive to their place of work will use their car to drop off children at the nursery first. The question to ask is HOW MANY CARS are likely to be generated by dropping off of 29 children? At least 20? And that would be a conservative estimate.
6. Our view is that, however, Savills juggle with their design there is no way that 20 vehicles can be expected to negotiate the paved semi-circle without some of them having to queue up in the road outside as they wait for parents to complete their drop offs.
7. This is where the road safety aspect comes into play. The frontage of the proposed nursery is located DANGEROUSLY CLOSE TO TWO BLIND CORNERS on Bainton Road. There are ALREADY REGULAR ACCIDENTS

involving cars and bicycles at this location, as local residents will testify. One of the residents actually keeps a bandage chest ready to patch up cyclists who have come off their bikes, either forced off the road by oncoming vehicles or because of the adverse camber of the road in wet conditions. A local GP recently suffered a serious facial injury in one such incident.

8. The present traffic situation at PEAK HOURS is ALREADY HAZARDOUS. How much more hazardous would it become with additional traffic queuing up on the road? Not only that but what about the effect of vehicles turning into and turning out of the nursery at peak hours, particularly when the weather is bad?
9. We have also taken into account the fact that there are 3x2 hour parking bays IMMEDIATELY OPPOSITE the frontage of the nursery, thus creating only ONE TRAFFIC LANE for vehicles coming BOTH DIRECTIONS
10. In addition to that there are 23 other parking bays, contiguous to those immediately opposite the frontage, as the road heads towards Woodstock Road
11. Everything points to the fact that there will be unavoidable traffic jams outside the nursery at peak hours and this will greatly increase the danger to the large number of cyclists who also transit the road at peak hours.
12. While none of us has any objection in principle to there being a nursery, we are convinced that the PROPOSALS FOR THE NURSERY SHOULD BE FIRMLY REJECTED on grounds of ROAD SAFETY. The Oxford City Council must accept their responsibility for protecting the interests of the many Council Tax payers including a fair number from Hayfield Road, who regularly transit Bainton Road and must not expose them to the additional hazards and risks which the nursery traffic would undoubtedly bring.
13. Any serious traffic survey in the road, outside the nursery frontage, which includes the passage of vans, cars, cycles and pedestrians, at peak hours, will immediately show that this site is regrettably TOTALLY UNSUITABLE for a children's nursery.

Officers Assessment:

Site Location and Description

1. The appeal site is situated at the northern end of the St John's College Sports Ground, and is bordered by Bainton Road to the west, residential dwellings in Bainton Road and Woodstock Road to the north and east respectively (**site plan: appendix 1**)
2. The site comprises a small plot of land (approximately 0.1ha) that was formerly used as a bowling green and is separated from the main college sports ground by a set of Tennis Courts and a 2m high close boarded fence. The site is currently vacant.
3. There are a number of trees on the southern and western boundaries that are the subject to the Oxford City Council - Bainton Road (No.1) Tree Preservation Order 2009 (09/00006/ORDER) confirmed on 4th June 2009.

Proposal

4. Planning permission is sought for the erection of a single-storey building to provide a children's day nursery (D1 Use). The proposal would include the creation of a vehicular access, 4 off-street parking spaces (including 1 disabled space), an external play area and landscaping.
5. The college are in need of a day nursery to support their staff and students. The nursery would cater for children of 6 months up to preschool age and would include a small after school activity room. The nursery would accommodate 25 full-time children during normal business hours, with the afterschool club catering for 10 children between 3-6pm. The nursery would include approximately 9 full time equivalent staff dependant on the age of the children using the facility.
6. Officers consider that the principle determining issues in this case are
 - Principle of Development
 - Site Layout and Built Form
 - Impact upon Adjoining Properties
 - Noise and Disturbance
 - Landscaping
 - Highway Matters
 - Biodiversity
 - Contaminated Land
 - Drainage
 - Community Infrastructure Levy

Principle of Development

7. The National Planning Policy Framework encourages the effective use of land that has been previously developed. This is supported through Oxford Core Strategy Policy CS2 which seeks to focus development on previously developed land. The policy goes on to state that greenfield sites can only be developed if they are specifically allocated for that use in the Local Development Framework, or that other areas of open space shall only be developed if a need for the development of that land can be demonstrated and if the space is not required for the well-being of the community it serves.
8. The site is a small area of vacant land that adjoins the St Johns College Sports Ground and was formerly used as a bowling green. The site is separated from the sports ground by the tennis courts. There is no public access across this space, and as such its loss would not remove any publically accessible open-space for the community. In land-use terms, the site is located outside the protected open-air sports field covered by Oxford Local Plan Policy SR2. It has no designated land use allocated within the current plan although it has been identified as suitable for development in previous local plan documents. In dealing with the previous applications for this site, officers concluded that the site is a windfall site that was suitable for development despite not being previously developed land. This was on the basis that the site had not been included within the designated protected open-air sports ground and had previously been allocated for development in previous local plans. The redevelopment of the site

would bring an area of undeveloped land into beneficial use and would therefore accord with the aims of Local Plan Policy CP6 which encourage the efficient use of land.

9. With regards to demonstrating the need for the development, the Local Plan encourages large employers in Oxford, such as universities, to provide childcare facilities on their own sites in appropriate locations. The University and College's within Oxford have a significant need for the provision of nursery places. The college has stated that as of March 2015 there were 450 applicants on the University waiting list who require childcare places. At the current time St John's College does not provide any nursery places either directly through a childcare facility or through the specific allocation of spaces within existing nursery facilities in Oxford. The College has obligations to both its students and staff to improve nursery provision, because an institution the size of St John's can reasonably expect to have demand for some 30-40 nursery age children at any time, although not all of the parents of these children will seek nursery provision. On the basis of this information, there is clearly a significant demand across the University and Colleges to provide suitable childcare arrangements.
10. The provision of such facilities help people return to work and create mixed-use developments that reduce the need for people to travel and thereby responding to objectives of sustainable development as defined by the NPPF. The Local Plan suggests that the provision of childcare facilities as ancillary uses will be encouraged, and that they may be suitable as dual uses with sports pavilions and other recreation/community facilities. It goes on to state that residential areas will not normally be considered suitable locations for day nursery use, except where they are adjoined by non-residential uses which in this case would be the Sports Ground.
11. Local Plan Policy ED1 states that purpose-built childcare facilities will only be granted where they meet the following criteria
 - (a) the development will not cause unacceptable noise and nuisance to the adjoining properties;
 - (b) adequate internal and external play-space is provided;
 - (c) adequate provision is made for access, parking and dropping-off facilities; and
 - (d) the location is realistically accessible by walking, cycling, or public transport for the majority of people travelling to the site
12. Therefore having regards to these factors, although the site is not previously developed land, the site is an underused space to the rear of the existing sports ground which has been allocated for development in previous local plans. The use of this space would not result in the loss of a protected open-air sports facility or any publically accessible open space. The college clearly has a need to improve childcare provision for its students and staff and the Local Plan encourages such provision to be located within their own sites in appropriate locations. As such the general principle of redeveloping this underused site for a nursery use would be supportable in principle subject to the proposal satisfying the criteria of Oxford Local Plan Policy ED1. These issues will be dealt with below.

Site Layout and Built Form

13. The NPPF considers that good design is a key aspect of sustainable development. This means that the level of development within any scheme should suit the sites capacity and respond appropriately and realistically to the site constraints. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate a high-quality urban design that responds to the site and its surroundings; creates a strong sense of place; attractive public realm; and provide high quality architecture. Policy CP8 of the Oxford Local Plan 2001-2016 also states that the siting, massing, and design of development should create an appropriate visual relationship with the form, grain, scale, materials, and details of the surrounding area.
14. Bainton Road and the surrounding suburban area has a varying character with the semi-detached Victorian dwellings to the east leading towards Frenchay Road and the detached dwellings closer to the Woodstock Road. These detached dwellings vary in style particularly with the more modern infill type developments at 14, 101 and 105 Bainton Road adjacent to the application site and the Woodstock Road. The Sports Ground also contributes to the open character of the area.
15. Layout: The building has been sited alongside the northern and eastern boundaries of the site. The main entrance would face onto the forecourt and Bainton Road and within the site the building faces onto the open space that sits alongside the southern boundary of the plot. The forecourt in the frontage has a drop-off area and parking area for staff.
16. The layout has been designed in order to make best use of the orientation of the plot; provide a relationship with the sports ground; reduce the impact upon the adjoining properties and mature trees within the site. The internal and external layout of the nursery would provide sufficient indoor and outdoor space for the children in accordance with Part (b) of Policy ED1. As such officers consider that there would be no reason to object to the site layout which would make best use of the sites constraints and responds well to the linear development form of the street.
17. Size and Scale: The building would be single storey with a main range along the northern boundary that measures 24.63m (l) x 9m (w) x 3.6m (h) and a smaller element along the eastern boundary that measures 9.27m (l) x 4.96m (w) x 3.25m (h). The building would have a flat roof with protruding roof lights.
18. The building would be of an appropriate size and scale for the site and commensurate to the type of 'pavilion' building that could normally be associated within the setting of a sports ground. The building would only be visible within a short section of the street between the two bends and from longer range views from across the sports ground at the southern end of Bainton Road. In the short section the building is set well back from the street within a frontage that maintains the mature trees to the front and its single storey would mean that it is not unduly prominent. In the longer range views the visibility of the building would be diminished by the trees along the southern boundary and tennis courts.

Moreover any visibility of the building would be lost against the backdrop of the larger scale Woodstock Road properties that frame the eastern boundary of the sports ground. There would be no material reason to object to the overall size and scale of the proposed building.

19. Design: The building is designed as a form of 'pavilion' within the sports ground with a modern and contemporary appearance rather than using a design that reflects the more traditional form of dwellings within the street. There are instances in Bainton Road where more modern forms of development (i.e. 14 and 105 Bainton Road) have been sited comfortably into the street scene. The proposal is not for a residential use and therefore designing the building in a manner which responds to the sports ground is a valid approach. Officers would therefore raise no concerns with the choice of a modern and contemporary design.
20. The main concern with the proposal would relate to the design of the rooflights which would be unduly prominent and detract from the simple form of the building. They do not help to integrate the building into the setting discretely. Similarly the use of the zinc cladding for the main building and the 'light green' cladding for the baby room would not reflect the palette of the other more contemporary buildings in the area. These matters could be successfully addressed by conditions requiring revised details of the rooflights of the building to ensure that these have a lower and more geometric profile to reflect the design of the building and which seeks approval for a revised material treatment for the buildings.
21. Overall officers consider that the size, scale and siting of the building would not be unduly prominent within the street scene and subject to conditions which reserve the approval of an alternative roof light design and alternative material treatment, would accord with the aims of the NPPF and Oxford Core Strategy Policy CS18, and Oxford Local Plan Policies CP1, CP6, and CP8.

Impact upon Adjoining Properties

22. The development would need to demonstrate that it was developed in a manner that would safeguard the residential amenities of the adjoining properties in terms of loss of light, outlook, sense of enclosure, and loss of privacy in accordance with Policy CP10 of the Oxford Local Plan 2001-2016.
23. The dwelling of 14 Bainton Road adjoins the application site to the north, with the rear of this dwelling located approximately 5m from the common boundary. This plot is relatively narrow and the rear elevation of the dwelling covers a large proportion of the common boundary, and has a number of habitable room windows that face onto the application site. The majority of the principal habitable rooms (living room/master bedroom) are located at first floor level. At ground floor level there is a family room and shared kitchen/diner with large windows that face onto the application site although both of these rooms benefit from other sources of light in the side and front elevations. There is a guest bedroom on the ground floor whose window also faces southwards. There is also an elevated outdoor patio area between the house and southern boundary fence.

24. The proposed building would be sited approximately 3.23m from the boundary with 14 Bainton Road, and 8.485m from the rear elevation of this adjoining property. The building has been sited so as to minimise its impact upon the outlook and light received to this property. The building would have a height of 3.6m which would protrude above the 2m fence line that forms the boundary, but there would be sufficient separation distance to prevent an material impact upon the ground floor windows in terms of loss of light and outlook over and above the existing situation and also the patio area whereby the orientation of the plot and the proximity of the boundary fence itself causes shade to this part of 14 Bainton Road.
25. Although concerns have been raised during the consultation process that the cycle store and pathway along the rear of the nursery will have an adverse impact upon the privacy of 14 Bainton Road. Officers consider that the proximity of the 2m boundary fence and the proposed trees along the boundary, mean that the use of this pathway will not create an adverse privacy issues for 14 Bainton Road. Furthermore although there is a degree of inter-visibility between the two sites currently, the proposed layout of the site, in particular the orientation of the building along with the position of the outdoor area, would reduce the sense of inter-visibility between the two sites that currently exist on site and would exist if the area of land was ever brought back into use as part of the sports ground.
26. The proposed development would be of a size and scale that would not have a material impact upon any of the other adjacent Bainton Road properties or the Woodstock Road properties that adjoin the eastern boundary in terms of loss of light, outlook, sense of enclosure, or privacy.

Noise and Disturbance

27. Oxford Local Plan Policy CP21 states that permission will not be granted for development that causes unacceptable noise, with particular attention paid to noise levels close to noise-sensitive developments; and public and private amenity space, both indoor and outdoor. It goes on to state that the Council will impose enforceable conditions to minimise any adverse impacts as a result of noise and transmission. Part (a) of Policy ED1 also requires proposals for day nursery's to not cause unacceptable noise and nuisance to the adjoining properties.
28. A Noise Impact Assessment has been submitted with the application. The assessment has been developed in consultation with Environmental Health Officers to determine the suitable noise levels for the development.
29. The Nursery will operate between 08.00-18.00 hours (weekdays) and will accommodate 26 full time children and 10 children after school between 15.00-18.00 hours. The outdoor play area will comprise a section of covered area in addition to an open space with play equipment. The nursery building will only have standard residential-type plant items and ventilation will be provided through the opening of windows rather than through mechanical ventilation. There will be a drop-off parking area to the frontage.

30. The assessment has identified the main noise receptors in the vicinity of the development as the residential properties of 14 Bainton Road to the north, the properties on the western side of Bainton Road, and the Woodstock Road properties to the north. The outdoor play area has been identified as the dominant source of noise from the proposal, with the residential type plant and use of the drop off area considered insignificant in noise terms. The assessment demonstrates that the noise levels in the external amenity areas of these adjoining properties are predicted to fall comfortably below the 50dB limit for community noise which is considered to create a moderate annoyance for outdoor amenity areas as defined by the *World Health Organisation – Guidelines for Community Noise*. This has been achieved through incorporating acoustic advice into the design of the scheme and a proposed noise barrier located in the south-east corner of the nursery building between the outdoor space and quiet garden.
31. The NPPF is clear that when determining noise impact regard should be had to whether or not a significant adverse effect is likely to occur, whether or not an adverse effect is occurring or likely to occur, or whether or not a good standard of amenity can be achieved. The Noise Impact Assessment has demonstrated that the noise from the use of the outdoor play area will comfortably fall below the general moderate annoyance outdoor noise levels set out within the World Health Organisation Guidance and therefore that the day nursery will not give rise to a significant adverse effect. Environmental Health Officers have acknowledged that it is difficult to predict noise levels that may be generated by non-mechanical sources particularly recreational uses such as this outdoor play area or indeed the sports ground in general. However, having regards to the number of children to be accommodated within the nursery, the operating times of the nursery and the position to the adjoining residential properties, then there would be no grounds to object to the conclusions of the Noise Impact Assessment.
32. Notwithstanding this, officers are mindful that concerns have been raised with respect to the potential noise impact from the proposed nursery. The opening hours are only proposed for 08.00-18.00 hours on weekdays only and these times could be secured by condition. The noise from the outdoor play area could be controlled by a condition which ensures that the recommendations of the noise impact assessment have been implemented before the use commences. It has been suggested through the public consultation that the outside play time for the children should be restricted. This is not considered reasonable considering the fact that the nursery is located alongside an existing sports ground which has no control on the times or extent of its use, and also given the conclusions of the Noise Impact Assessment. It is important to also understand that any impact beyond the conclusions of the Noise Impact Assessment could be dealt with through Environmental Health Legislation relating to 'statutory nuisance'.
33. The Assessment has indicated that there will be limited mechanical plant required for the development in terms of ventilation and the use from the kitchen. As such a condition should be imposed requiring a scheme for the control of cooking odours to be submitted and for no mechanical plant to be added without the prior approval of the Local Planning Authority.

Landscaping

34. An Arboricultural Report has been submitted with the application. The site is covered by Tree Preservation Order which was made in 2009 in order to prevent the pre-emptive removal of trees prior to any planning application. The trees covered by the order are a line of Scots pine and a Thuja along the southern boundary and a western red cedar on the Bainton Road frontage.
35. The proposal will require the removal of 4 of the 7 protected trees. The Thuja and two Scots Pines would be retained in order to provide a skeleton of mature and semi-mature tree cover to the site that can then be augmented by additional planting. The south-eastern corner of the new building will result in a small encroachment into the root protection area of the mature oak (T8) which lies in a neighbouring property (239 Woodstock Road). This tree is subject to a tree preservation order however, this would not have an adverse impact on the tree given its surroundings and the opportunity for root development in other directions. There would be no objections to the suggested tree removals in amenity terms, and any impact could be mitigated through appropriate replacement planting. The report provides a solid basis for developing the landscape proposals further and this could be secured by condition.
36. The Proposed Landscape Plan includes details of the play equipment proposed for the outdoor play area. The plans indicate that there would be a climbing frame with suspension bridge and net. The plans indicate that the height of this equipment would be 4.13m which seems excessive in contrast to the proposed building. As such officers would recommend that details of the play equipment are reserved by condition.
37. Overall officers consider that the proposed development would not have an adverse impact in landscape terms in accordance with Oxford Local Plan Policies CS18, CP1, and NE16, subject to conditions that set the future landscaping strategy for the site, and secure appropriate tree protection measures and landscape management.

Highway Matters

38. The proposed day nursery would have a drop-off and parking area in the frontage that would require a new access and egress points onto Bainton Road. The parking area would include 4 off-street parking spaces (including a disabled space). The nursery would employ 9 staff (7 full-time and 2 part-time).
39. A Transport Statement has been submitted with the application that considers the highway impacts of the proposed development.
40. Traffic Generation: The proposed nursery is to be used by the staff and students of St Johns College rather than a commercial operation open to the general public. The site is within a Transport District Area which is considered to be a sustainable location that is easily accessible by non-car modes of transport. The Woodstock Road is a main arterial route into the city that offers good public

transport links. The site is on a national cycle route and is also accessible by pedestrians with footways on both sides of the road. The accessibility of the site is seen as a positive in terms of providing the users of the nursery with alternative means of accessing the day nursery.

41. The Transport Statement anticipates that the nursery will generate a total of 17 two-way vehicular trips in the AM peak and 14 two-way trips in the PM peak. The majority of drop-off and pick up trips will occur between the hours of 08.00-09.00 and 17.00-18.00 hours. The proposed development will increase traffic generation from the site bearing in mind it is currently not used however it is considered that the level of traffic generation would be suitable for this type of development and would not have a significant impact upon the local highway network. The Local Highways Authority has raised no objection in these terms.
42. Access: A new access / egress arrangement onto Bainton Road will be formed through two new vehicle cross overs in the north-western and south-western corner. This will form a one-way system through the site which will be enforced through appropriate signage.
43. During the consultation process concerns have been raised that the position of the access to the site in between the two bends in Bainton Road would make the access arrangements hazardous to road users. The applicant has provided a swept path diagram that shows how vehicles will enter and exit the site. The Local Highways Authority is satisfied that the swept path diagram shows that a large car could manoeuvre into and out of the site successfully. They have also indicated that Bainton Road is subject to a 20mph speed limit, and the geometries of the road does not suggest that excessive speeds would occur at the point of site access which is borne out by the figures within the Transport Statement. The plans for the access have demonstrated that suitable visibility splays could be provided for the exit from the site for the speed at which vehicles travel and satisfies the relevant design guidance presented in Manual for Streets. The Highways Authority have also suggested that any control on the direction vehicles leave the site is not warranted due to the traffic flows that exist within the street.
44. Therefore officers consider that on the basis of the information contained within the Transport Statement and in the swept path diagram, the proposed access arrangements for the site would not have an adverse impact upon highway safety in accordance with Oxford Local Plan Policy CP1.
45. Vehicle and Cycle Parking: The proposal will provide 4 parking spaces (including 1 disabled space) which will be dual use by both parents and staff. There will also be a designated drop off area for set downs.
46. The Oxford Local Plan states that the maximum parking standards for nurseries is 1 space per 100m² or 2 staff which would mean the need to provide 2 spaces (floor area) or 4.5 (staff members). The 4 spaces would therefore accord with the maximum parking standards within the street. It is noted that the site is within a controlled parking zone which allow for 2 hours parking without the requirement

for a permit. Therefore there is a measure of on-street parking control to prevent any impact upon on-street parking.

47. The proposal would provide 7 cycle parking spaces in a secure and covered area alongside the building. The Oxford Local Plan does not specify a specific number for nurseries but states that the level of parking should be guided by the general principle of 1 space per 5 people. In this case the number of cycle parking spaces would exceed this standard for the number of staff, and also provides opportunities to encourage travel by alternative modes of transport to the private car
48. Travel Plan: The Local Highways Authority have recommended that a Travel Plan be secured by condition. The scheme is not a major development that would have significant travel implications, however, bearing in mind the nursery will be used by staff and students of a specific organisation a Travel Plan Statement would be useful to help set out how the nursery will encourage parents and staff to use alternative forms of transport to the car and thereby assist in managing the transport impacts of the proposal. This should be secured by condition

Biodiversity:

49. A Phase 1 Habitat Survey has been submitted with the application, which considers the ecological impacts of the site and the opportunities for biodiversity enhancements.
50. Designated Sites: There are 'Hook Meadow and The Trap Grounds' and 'New Marston Meadows' Sites of Special Scientific Interest (SSSI) are within a 1km radius of the site. The Oxford Meadows Special Area of Conservation (SAC) is also approximately 720m to the west of the site. The survey concludes that the proposal would have no impact upon these designated sites given the distance of the sites from the proposed development and also the scale and nature of the proposal.
51. Habitat: The site comprises a small area of species-poor managed grassland, along with small patches of tall ruderal vegetation and planted and self-seeded trees on the edges of the site. The loss of the grassland and vegetation will not have a significant ecological impact due to the low value of the habitat and because the site offers little to no habitat for protected species. Although a small number of trees are to be removed, these are non-native and have self-seeded and are not mature specimens.
52. The survey recommends that any landscape plan for the site should provide native species that provide a variety of flowers and fruit throughout the year for insects and birds.
53. Species: The development is unlikely to have any impact upon amphibian or reptile species however because of the location of the pond in Elizabeth Jennings Way the survey recommends that a precautionary approach is taken to site clearance to ensure there is no impact.

54. During the consultation process concerns have been raised about the impact upon badgers using the site. The survey has identified that there is no badger sett present on site, and there are limited opportunities for foraging. There was some evidence of occasional foraging occurring in the south-eastern corner of the site, with badgers from the area likely accessing the site from a slightly ajar gate to the south of the site. The survey concludes that the loss of this small area used for foraging will not have any long term impact. The badgers are using the site to forage for earthworm / invertebrate prey, and the recreation grounds to the south of the site provide them with plentiful habitat within which to forage for the same items. The main indirect impact on the badgers could be caused during the construction phase of the development with excavations posing as a hazard to badgers moving over the ground. As such all pit-fall hazards should be covered at night to minimise the impact upon badgers.
55. In terms of impact upon bats and birds, the trees within the site do not exhibit features that provide shelter for roosting bats, and offer limited nesting and foraging opportunities to bird species. The survey has recommended that the new building should avoid external lighting other than for security and safety and in those cases low pressured sodium lights should be used. Similarly with regards to birds, all site clearance should be undertaken outside the breeding seasons in order to avoid any impact on any active birds nests that may be present. The development offers scope to improve roosting and nesting opportunities through the provision of bat and bird boxes in appropriate locations within the development.
56. Finally the site does provide potential foraging habitat for the European Hedgehog, which is a priority species. The loss of the small area of amenity grass land and ruderal vegetation is unlikely to result in a significant loss of habitat though, and the creation of a new open play area and garden planting (i.e. retained grassland and flowerbeds) suitable for hedgehogs could be maintained within the site. The survey also recommends the consideration of a 'hedgehog house' in the grounds of the nursery to provide shelter and potential breeding site for hedgehogs.
57. Officers would accept the findings of the habitat survey and would raise no objection to the proposal under Oxford Core Strategy Policy CS12 subject to a condition requiring the recommendations and biodiversity enhancements contained within the survey being implemented on site.

Other Matters

58. Drainage: The proposal should ensure that a sustainable urban drainage scheme is submitted for the development. This could be secured by condition
59. Contaminated Land: The contaminated land questionnaire submitted with the application does not reveal any potential contaminative former land use or use that raises any specific issues. The use as a day nursery is considered to be a sensitive use however the risk of any significant contamination being present on site is low. It is the developers' responsibility to ensure that the site is suitable for the proposed use and therefore an informative should be added to any planning

permission recommending a watching brief for unexpected contamination found during the construction phase.

60. Community Infrastructure Levy: The proposal will be liable for a CIL payment of £4,889.80

Conclusion:

61. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026 and Oxford Local Plan 2001-2016 and therefore West Area Planning Committee is recommended to approve the application.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. 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, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Contact Officer: Andrew Murdoch

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Date: 24th July 2015